THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 17 NUMBER 216

Washington, Tuesday, November 4, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10402

ENFORCEMENT OF THE CONVENTION FOR SAFETY OF LIFE AT SEA, 1948

WHEREAS under Article I of the International Convention for Safety of Life at Sea, signed at London on June 10, 1948, ratified by the United States of America, and proclaimed by the President on September 10, 1952 (Treaties and Other International Acts, Series 2495), the Government of the United States of America, together with the governments of the other countries which have become parties to the Convention, undertakes to give effect to the provisions of the said Convention and of the Regulations annexed thereto, to promulgate all laws, decrees, orders, and regulations, and to take all other steps which may be necessary to give the Convention full and complete effect, so as to insure that, from the point of view of safety of life, a ship is fit for the service for which it is intended; and

WHEREAS it is expedient and necessary, in order that the Government of the United States of America may give full and complete effect to the said Convention, that several departments and agencies of the executive branch of the said Government perform functions and duties thereunder; and

WHEREAS in accordance with Article XI of the Convention it has been determined that the Convention will come into force on November 19, 1952:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me as President of the United States of America, it is ordered as follows:

1. The Department of State, the Department of the Treasury (Coast Guard), the Department of Commerce (Weather Bureau), and the Federal Communications Commission, respectively, are hereby directed, in relation to the fulfillment of the obligations undertaken by the Government of the United States of America under the said Convention, to perform the functions and duties therein prescribed and undertaken which appertain to the functions and duties which they severally are now directed or authorized by law to perform. Each of the said departments and the said commission shall cooperate and assist the others in carrying out the duties imposed by the Convention and by this order.

2. The Department of the Treasury (Coast Guard), or such other agency as may be authorized by law so to do, shall issue certificates as required by the said Convention, and in any case in which a certificate is to include matter which appertains to the functions and duties directed or authorized by law to be performed by any department or agency other than the issuing agency, the issuing agency shall first ascertain from such other department or agency its decision with respect to such matter, and such decision shall be final and binding.

3. Whenever the Coast Guard operates as a part of the Navy, the functions to be performed by the Department of the Treasury (Coast Guard) under this order shall vest in and be performed by the Department of the Navy (Coast Guard).

4. This order supersedes Executive Order No. 7548 of February 5, 1937, entitled "Enforcement of the Convention for Safety of Life at Sea, 1929", to the extent that the said International Convention for Safety of Life at Sea signed at London on June 10, 1948, replaces and abrogates the International Convention for Safety of Life at Sea signed at London on May 31, 1929.

5. This order shall be effective as of September 10, 1952.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 30, 1952.

[F. R. Doc. 52-11864; Filed, Oct. 31, 1952; 2:56 p. m.]

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS

U. S. STANDARDS FOR GRADES OF FROZEN MIXED VEGETABLES[1]

On May 20, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 4576) regarding the issuance of proposed United States Standards for Grades of Frozen Mixed Vegetables. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Mixed Vegetables are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952):

§ 52.715 *Frozen mixed vegetables.* Frozen mixed vegetables consist of three or more succulent vegetables, properly prepared and properly blanched; may contain vegetables (such as, small pieces of sweet red peppers or sweet green peppers) added as garnish; and are frozen and maintained at temperatures necessary for the preservation of the product.

(a) *Kinds and styles of basic vegetables.* It is recommended that frozen mixed vegetables, other than small pieces of vegetables added as garnish, consist of the following kinds and styles of vegetables as basic vegetables:

(1) Beans, green or wax: Cut style, predominantly of ½ inch to 1½ inch cuts;
(2) Beans, lima: Any single varietal type;
(3) Carrots: Diced style, predominantly of ⅜ inch to ½ inch cubes;
(4) Corn, sweet: Golden (or Yellow) in whole kernel style;
(5) Peas: Early type or sweet type.

(b) *Proportions of ingredients.* It is recommended that frozen mixed vegetables consist of three, four, or five basic vegetables in the following proportions:

(1) *Three vegetables.* A mixture of three basic vegetables in which any one vegetable is not more than 40 percent by weight of all the frozen mixed vegetables.

(2) *Four vegetables.* A mixture of four basic vegetables in which none of the vegetables is less than 8 percent by weight nor more than 35 percent by weight of all the frozen mixed vegetables.

(3) *Five vegetables.* A mixture of five basic vegetables in which none of the vegetables is less than 8 percent by weight nor more than 30 percent by weight of all the frozen mixed vegetables.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(c) *Grades of frozen mixed vegetables.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a good color, are practically free from defects, possess a good character, possess a good flavor and odor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a reasonably good color, are reasonably free from defects, possess a reasonably good character, possess a fairly good flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen mixed vegetables that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(d) *Ascertaining the grade.* (1) The grade of frozen mixed vegetables is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(3) The scores for the factors of color, absence of defects, and character (with respect to each individual vegetable prior to cooking) are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units; and representative samples of the product are cooked to ascertain tenderness of the frozen mixed vegetables, collectively, before final evaluation of the score for character. Flavor and odor are also ascertained on the cooked product.

(4) "Good flavor and odor" means that the product and each basic vegetable after cooking has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points)

(1) *Color.* The factor of color refers to the general brightness of all the combined vegetables.

(i) Frozen mixed vegetables which possess a good color may be given a score of 17 to 20 points. "Good color" means that the combined basic vegetables as a mass are bright and characteristic of reasonably young or reasonably tender mixed vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish are reasonably bright; and that none of the individual vegetables are off color for any reason.

(ii) If the frozen mixed vegetables possess a reasonably good color, a score of 14 to 16 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the combined basic vegetables as a mass are reasonably bright and characteristic of fairly young or fairly tender mixed vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish may be only fairly bright but are not off color for any reason; and that none of the individual vegetables are off color for any reason.

(iii) If the frozen mixed vegetables fail to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 13 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous vegetable materials, slightly damaged units, moderately damaged units, seriously damaged units, and any other defects which detract from the appearance or edibility of the product.

(i) "Harmless extraneous vegetable material" means any vegetable substance other than from any of the basic vegetables or garnish and any portions of the basic vegetables which are normally removed in preparation for processing. Such materials include, but are not limited to, "Small pieces" and "large pieces" as follows:

(*a*) A "small piece of harmless extraneous vegetable material" is any piece or unit of such material similar in shape and the equivalent in size or smaller than $\frac{3}{16}$ square inch of leafy material or loose pieces of pods from peas or lima beans, tough or woody stems of any size other than unstemmed units of green or wax beans, ¼-inch cube of corn cob material, ½ square inch of corn husk, and ⅜-inch diameter thistle buds;

(*b*) A "large piece of harmless extraneous vegetable material" is any piece or unit of such material similar in shape and larger in size than the equivalent of an applicable kind of "small piece of harmless extraneous vegetable material."

(ii) "Slightly damaged unit" means any unit of the basic vegetable or garnish that is affected by slight blemishes, slight discoloration, or similar injury that are noticeable but do not materially affect the appearance or edibility of the unit, and includes, but is not limited to, light discoloration of the hilum of lima beans or other light discoloration of the skin which does not penetrate into the cotyledon of lima beans.

(iii) "Moderately damaged unit" means any unit of a basic vegetable or garnish that is affected by blemishes, discoloration, or any other similar injury that materially affects the appearance or edibility of the unit and has the following specific meanings for the respective vegetables:

(*a*) *Beans, green or wax.* Any unit blemished by scars, by pathological injury, by insect injury, or by other means which in the aggregate exceeds the area of a circle ⅛ inch in diameter.

(*b*) *Beans, lima.* A bean or portion thereof that is spotted or otherwise definitely discolored or that is blemished by pathological injury, by insect injury, or by other means other than light discoloration.

(*c*) *Carrots.* Any unit possessing an unpeeled area greater than the area of a circle ⅛ inch in diameter; and any unit blemished by internal or external discoloration, by sunburn or green color, by pathological injury, by insect injury, or by other means.

(*d*) *Corn.* Any kernel or portion thereof that possesses serious brown or black discoloration.

(*e*) *Peas.* Any spotted pea or any off-colored pea (such as brown, gray, cream, or yellow-white) that is abnormally defective and that definitely lacks any tinge of green color.

(*f*) *Garnish.* Any piece blemished by discoloration, by pathological injury, by insect injury, or by other means which in the aggregate exceeds the area of a circle ⅛ inch in diameter.

(iv) "Seriously damaged unit" means any unit of the basic vegetable or garnish, other than damaged corn kernels, that is damaged to the extent that the appearance and edibility of the unit is seriously affected and includes, but is not limited to, "shriveled" lima beans that are materially wrinkled and not of normal plumpness; "sprouted" lima beans that show an external shoot protruding beyond the cotyledon or skin; and any unit with brown or very black or very dark spots and serious insect injury regardless of the area affected.

(v) "Other defects" means any defects not specifically mentioned that affect the appearance or edibility of the product, and includes, but is not limited to the following:

(*a*) *Beans, green or wax.* Loose seeds and portions thereof; and pod sections with very ragged edges that are partially cut or split into two parts, or that are markedly shorter or longer than the predominating lengths of the cut units;

(*b*) *Beans, lima.* Mashed beans, broken beans, loose cotyledons, loose skins, and any portions thereof;

(*c*) *Carrots.* Crushed, broken, cracked, or irregularly shaped units; units with excessively frayed edges and surfaces; and units markedly smaller than one-half the volume of, or markedly larger than, the predominating size of cubes;

(*d*) *Corn.* Crushed kernels, ragged kernels, loose skins, and dark and objectionable pieces of silk more than ½ inch in length; and

(*e*) *Peas.* Mashed peas, broken peas, loose cotyledons, loose skins, and any portions thereof.

(vi) Frozen mixed vegetables that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present no more than the following defects within the limits stated:

(*a*) No large pieces of harmless extraneous vegetable material; but 1 small piece of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided,* That the combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(*b*) 2 moderately damaged units for each 3 ounces of frozen mixed vegetables and 1 seriously damaged unit for each 4 ounces of frozen mixed vegetables: *Provided,* That slightly damaged, moderately damaged, and seriously damaged units, either singly or in combination, do not materially affect the appearance or edibility of the frozen mixed vegetables; and

(*c*) Other defects, individually or collectively, do not materially affect the appearance of the frozen mixed vegetables.

(vii) If the frozen mixed vegetables are reasonably free from defects, a score of 28 to 33 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present no more than the following defects within the limits stated:

(*a*) 1 large piece of harmless extraneous vegetable material and 2 small pieces of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided,* That the combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(*b*) 4 moderately damaged units for each 3 ounces of frozen mixed vegetables and 1 seriously damaged unit for each 2 ounces of frozen mixed vegetables: *Provided,* That slightly damaged, moderately damaged, and seriously damaged units, either singly or in combination, do not seriously affect the appearance or edibility of the frozen mixed vegetables; and

(*c*) Other defects, individually or collectively, do not seriously affect the appearance of the frozen mixed vegetables.

(viii) If the frozen mixed vegetables fail to meet the requirements of subdivision (vii) of this subparagraph, a score of 0 to 27 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* The factor of character refers to the texture, the maturity, and the degree of development of the pods and seeds in green beans or wax beans; the tenderness of lima beans; the tenderness and the degree of freedom from stringy or coarse fibers in carrots; the tenderness and maturity or starchiness of the corn; the tenderness or maturity of the peas; and to the tenderness of the combined frozen mixed vegetables after cooking.

(i) Frozen mixed vegetables which collectively and individually possess a good character may be given a score of 34 to 40 points. "Good character" means that the combined vegetables after cooking are tender and that the individual vegetables prior to cooking meet the following requirements:

(*a*) *Beans, green or wax.* The bean pods are full-fleshed and tender, the seeds are in the earlier stages of maturity, and both the bean pods and seeds are the equivalent of frozen green beans or wax beans that would score not less than 36 points for the factor of "Texture and Maturity" as outlined in the "United States Standards for Grades of Frozen Snap Beans."

(*b*) *Beans, lima.* The lima beans, except for an occasional bean that may be white, are tender.

(*c*) *Carrots.* The units are tender and are the equivalent of frozen diced carrots that would score not less than 26 points for the factor of "Texture" as outlined in the "United States Standards for Grades of Frozen Diced Carrots" (§ 52.218).

(*d*) *Corn.* The kernels are at least in the cream stage of maturity, have at least a reasonably tender texture, and are the equivalent of frozen whole-grain corn that would score not less than 43 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn" (§ 52.271).

(*e*) *Peas.* The peas are at least reasonably tender and are the equivalent of frozen peas that would score not less than 34 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(ii) If the frozen mixed vegetables, collectively and individually, possess a reasonably good character, a score of 28 to 33 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the combined vegetables after cooking are reasonably tender and practically free from tough fibers and that the individual vegetables prior to cooking meet the following requirements:

(*a*) *Beans, green or wax.* The bean pods are at least fairly tender and are the equivalent of frozen green beans or wax beans that would score not less than 30 points for the factor of "Texture and Maturity" as outlined in the "United States Standards for Grades of Frozen Snap Beans."

(*b*) *Beans, lima.* The lima beans are at least fairly tender and not more than 10 percent by count of all the lima beans may be white.

(*c*) *Carrots.* The units are at least reasonably tender and are the equivalent of frozen diced carrots that would score not less than 24 points for the factor of "Texture" as outlined in the "United States Standards for Grades of Frozen Diced Carrots" (§ 52.218).

(*d*) *Corn.* The kernels are at least fairly tender and are the equivalent of frozen whole-grain corn that would score not less than 38 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Whole Kernel (or Whole Grain Corn" (§ 52.271).

(*e*) *Peas.* The peas are at least fairly tender and are the equivalent of frozen peas that would score not less than 30 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(iii) If the frozen mixed vegetables, collectively or individually, fail to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms and analyses.* (1) The "proportion of ingredients" are determined on the thawed vegetables by the following procedure:

(i) Separate and assemble from all the containers in the sample each of the basic vegetables;

(ii) Weigh each basic vegetable thus composited to obtain the "aggregate weight" of each basic vegetable from all the containers in the sample;

(iii) Add the aggregate weights of all the basic vegetables to obtain the "grand total weight" of all the basic vegetables from all containers in the sample; and then

(iv) Calculate the percentage of each basic vegetable in the sample by dividing the "aggregate weight" of each basic vegetable by the "grand total weight" of all the basic vegetables.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen mixed vegetables, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for frozen mixed vegetables.*

Size and kind of container			
Container mark or Identification	Packages		
	Cases		
Label (list of ingredients, etc.)			
Net weight (ounces)			

Kinds, styles of ingredients	Aggregate weight each ingredient	Proportion of ingredients
Garnish		
Beans—Cut: ( ) green; ( ) wax ( ) to ( ); ( ) round; ( ) flat	...ozs	...%
Lima beans	...ozs	...%
Carrots—Diced (approx. ( ) cubes)	...ozs	...%
Corn—whole kernel—Golden	...ozs	...%
Peas: ( ) sweet; ( ) early	...ozs	...%
Grand total, weight	...ozs	100%
( ) Meets proportions; ( ) Fails proportions		

Factors		Score		
I. Color	20	(A)	17-20	Thawed: Beans, Limas, Carrots, Corn, Peas.
		(B)[1]	14-16	
		(SStd)[1]	0-13	
II. Absence of defects	40	(A)	34-40	
		(B)[1]	28-33	
		(SStd)[1]	0-27	
III. Character	40	(A)	34-40	
		(B)[1]	28-33	
		(SStd)[1]	0-27	
All vegetables after cooking: ( ) tender; ( ) reasonably tender, etc.				

Flavor and odor after cooking:
( ) good; ( ) fairly good; ( ) off.

Total score	
Grade	

[1] Indicates limiting rule.

(i) *Effective time.* The United States Standards for Grades of Frozen Mixed Vegetables (which is the first issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(60 Stat. 1087, as amended; 7 U. S. C. 1621)

Issued at Washington, D. C., this 29th day of October 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-11811; Filed, Nov. 3, 1952; 8:48 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061(53)-1, Supp. 2]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1953

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended,

the 1953 National Agricultural Conservation Program, issued July 28, 1952 (17 F. R. 6995), as amended July 28, 1952 (17 F. R. 7110), is further amended as follows:

In § 701.483 *Deduction*, paragraph (a) is amended by revising the second sentence to read as follows: "The deduction shall be the sum of the credit value of the conservation materials and services furnished and any amount of small payment increase advanced to the producer, except that (1) where the cost to the ACP Branch is less than the credit rate, the deduction shall be equal to the cost; (2) where the increase in small payment was advanced to the producer under a previous program and the material or service was transferred to the 1953 program, the amount of the increase in small payment to be deducted shall be determined on the 1953 credit value; and (3) where the material or service was transferred or carried over to the 1953 program from a previous program and the practice for which furnished is not offered in the county under the 1953 program, or was not an approved practice for the farm under § 701.412, the producer may be relieved of the above deductions upon determination by the county committee that the material or service was used in performing the practice for which the material or service was furnished."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 30th day of October 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11831; Filed, Nov. 3, 1952; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket Nos. AO-233 and AO-233-RO1]

PART 963—MILK IN STARK COUNTY, OHIO, MARKETING AREA

ORDER REGULATING HANDLING

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AUTHORITY: §§ 963.0 through 963.91 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 963.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and order regulating the handling of milk in the Stark County, Ohio, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) The necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro-rata share of such expenses 3 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to (i) all receipts of producer milk (including such handler's own production), (ii) all other source milk received at a pool plant and classified as Class I, and (iii) all other source milk on which payment is made pursuant to § 963.72 (b).

(b) *Additional findings.* In view of the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the provisions relating to prices and payments to producers, in order that handlers may have opportunity to make necessary adjustments in their accounting and other operational procedures to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. It is hereby found and determined, in view of the aforesaid facts and circumstances, that good cause exists for making all of the terms and provisions of this order except §§ 963.22 (h), 963.50 through 963.74, and 963.76 thereof effective on November 1, 1952, and that it would be contrary to the public interest to delay such effective date beyond that specified.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order which is marketed within the Stark County, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1952), were engaged in the production of milk for sale in the said marketing area.

Order Relative to Handling

It is therefore ordered that on and after the effective date hereof the handling of milk in the Stark County, Ohio, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 963.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 963.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employees of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 963.3 *Marketing area.* "Stark County, Ohio, marketing area," hereinafter referred to as "marketing area," means all territory geographically located within (a) Stark County, Ohio, except (1) Paris Township, (2) Sugar Creek Township, and (3) Sections 6 and 7 of Lake Township; (b) Smith Township of Mahoning County, Ohio, except Great Lot 35 thereof; (c) Knox Township of Columbiana County, Ohio; (d) Sections 1, 2, 3, 10, 11, and 12 in Sugar Creek Township of Wayne County, Ohio; (e) Sections 25, 26, 27, 34, 35, and 36 in Green Township of Summit County; (f) Lots 1, 2, 9, 10, 11, 12, 19, 20, 21, 22, 29, 30, 31, 32, 39, and 40 in Suffield Township of Portage County; and (g) Lots 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 25, 26, 27, 28, 29, 30, 35, 36, 37, 38, 39, and 40 in Randolph Township of Portage County

§ 963.4 *Handler.* Any person, other than a producer-handler, who operates a milk handling plant (hereinafter referred to as a "plant") shall be a "handler" with respect to all skim milk and butterfat received at such plant or caused to be diverted from producers' farms to a nonpool plant by such person in any month in which a route(s) is operated wholly or partially within the marketing area from such plant. Any cooperative association shall be a "handler" with respect to the milk of any producer which it causes to be diverted from producers' farms to a nonpool plant for the account of such cooperative association.

§ 963.5 *Pool plant.* A plant, except a plant of a producer-handler, shall be a "pool plant" in any month in which a route(s) is operated wholly or partially within the marketing area from such plant if such plant is (a) located in the marketing area; or (b) located outside the marketing area and 10 percent or more of the total combined amount of skim milk and butterfat in Class I milk at such plant is disposed of on a route(s) operated wholly or partially within the marketing area: *Provided,* That a plant located either in or outside the marketing area shall not be a pool plant in any month in which the total combined amount of skim milk and butterfat in Class I milk at such plant which is disposed of on a route(s) operated wholly or partially within the marketing area is less than 18,000 pounds.

§ 963.6 *Nonpool plant.* A plant other than a plant operated by a producer-handler shall be a "nonpool plant" in any month in which it is not a pool plant.

§ 963.7 *Producer.* "Producer" means any person, other than a producer-handler, with respect to milk produced by him which milk is moved directly from his farm to a pool plant or is diverted by the operator of the pool plant or by a cooperative association to a nonpool plant.

§ 963.8 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk received from producers.

§ 963.9 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in milk, skim milk, or cream, or used to produce all other milk products received from all sources other than producers and pool plants.

§ 963.10 *Producer - handler.* "Producer-handler" means any person (a) who produces milk; (b) receives no producer milk or other source milk; and (c) operates a plant from which a route(s) is operated wholly or partially within the marketing area.

§ 963.11 *Route.* "Route" means a sale or delivery (including a sale from a plant or a store) of Class I milk to a wholesale or retail stop(s), including the sale or consignment of such products by a handler to wholesale or retail outlets owned, leased, or controlled, directly or indirectly, by such handler.

§ 963.12 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 963.13 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 963.50.

§ 963.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association; (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 963.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 963.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 963.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Pay out of the funds provided by § 963.75, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, except those incurred under § 963.76, necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made reports pursuant to §§ 963.30 or 963.31 or payments pursuant to §§ 963.70, 963.72, 963.74, 963.75, 963.76, or 963.77;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(h) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate:

(1) On or before the 5th day of each month the minimum class prices for skim milk and butterfat for the preced-

ing month as computed pursuant to §§ 963.51 and 963.52;

(2) On or before the 13th day of each month the uniform prices for the preceding month computed pursuant to § 963.61, the butterfat differential for the preceding month computed pursuant to § 963.74, and the name of each handler who received producer milk during the preceding month and the percentages of such milk which was classified as Class I milk and as Class II milk.

REPORTS, RECORDS, AND FACILITIES

§ 963.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator; (a) the quantities of butterfat and the quantities of skim milk contained in all milk, skim milk, or cream and used to produce all milk products received from all sources during the preceding month; (b) the quantities of butterfat and the quantities of skim milk contained in all frozen cream which were formerly classified pursuant to § 963.41 (b) (2) and which were removed from storage or received during the preceding month; (c) the quantities of all milk or milk products and the quantities of skim milk and butterfat contained in or used to produce such milk or milk products moved from such handlers plant during the preceding month or on hand at such plant at the end of the preceding month; and (d) such other information with respect to such receipts and utilization as the market administrator may request.

§ 963.31 *Other reports.* Other reports shall be submitted to the market administrator as follows:

(a) Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 25th day of each month each handler who operated a pool plant at which producer milk was received in the preceding month shall submit such handler's producer payroll for the preceding month which shall show (1) the total pounds and the butterfat content of milk received from each producer, (2) the amount and date of payment to each producer or cooperative association pursuant to § 963.70, and (3) the nature and amount of each deduction or charge made by the handler.

§ 963.32 *Records and facilities.* Each handler and producer-handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of any of his operations including those of nonpool plants to which any producer milk is diverted and such facilities as in the opinion of the market administrator are necessary to verify or to establish the correct data with respect to: (a) The receipts of skim milk and butterfat contained in or used to produce all producer milk and other source milk received by such handler or producer-handler; (b) the removal from storage or the receipts of all frozen cream and the quantities of butterfat and skim milk contained in such frozen cream; (c) the disposition and inventories of milk and milk products and the quantities of skim milk and butterfat contained in or used to produce such milk and milk products; (d) the weights, samples, and tests for butterfat and other contents of (1) all producer milk and other source milk received by such handler or producer-handler, and (2) all milk and milk products disposed of or in inventories held by such handler or producer-handler; and (e) all payments required to be made by such handler pursuant to §§ 963.70, 963.72, 963.74, 963.75, 963.76 and 963.77.

§ 963.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 963.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream or used to produce milk products received during each month from all sources by each handler shall be classified pursuant to §§ 963.41 through 963.46.

§ 963.41 *Classes of utilization.* Subject to the conditions set forth in § 963.43 and § 963.44 skim milk and butterfat shall be classified separately as follows:

(a) Class I milk shall be all skim milk including reconstituted skim milk and all butterfat:

(1) Moved from a plant during the month or on hand at a plant at the end of the month in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream including sour cream, or any mixture of cream and milk or skim milk, except skim milk and butterfat which is classified as Class II milk pursuant to paragraph (b) (1), (2), or (3) of this section;

(2) Used to produce concentrated milk for fluid consumption which was moved from a plant during the month or was on hand at a plant at the end of the month; or

(3) In shrinkage of producer milk as computed pursuant to § 963.42 (b) which is in excess of such shrinkage classified as Class II milk pursuant to paragraph (b) (4) of this section.

(b) Class II milk shall be all skim milk including reconstituted skim milk and all butterfat;

(1) Contained in skim milk which is dumped or fed to livestock by the handler or is moved from a plant and disposed of to farmers or livestock feeders for livestock feeding;

(2) Contained in cream which was moved from a plant during the month to a cold storage warehouse in the form of frozen cream or in the form of cream to be frozen, or which was on hand at a plant at the end of the month in the form of frozen cream;

(3) In shrinkage of skim milk and butterfat contained in producer milk in amounts equal to either the amounts of skim milk and butterfat, respectively, computed pursuant to § 963.42 (b) or amounts equal to 2 percent of the skim milk and butterfat, respectively, contained in producer milk, whichever amounts are smaller;

(4) In shrinkage of skim milk and butterfat contained in other source milk as computed pursuant to § 963.42 (b); or

(5) Used to produce or contained in ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); eggnog; butter; butter oil; cheese, including cottage cheese; bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; yogurt; aerated products; or any other products other than those specified in paragraph (a) of this section which products are moved from a plant during the month or are on hand at a plant at the end of the month.

§ 963.42 *Shrinkage.* Shrinkage of skim milk and butterfat contained in producer milk and in other source milk shall be computed each month as follows:

(a) Combine into separate totals for skim milk and butterfat all skim milk and butterfat contained in all milk, skim milk, and cream or used to produce all milk products received during the month from all sources, and deduct therefrom all skim milk and butterfat, respectively, contained in or used to produce all milk, skim milk, cream, and all milk products moved from a plant during the month or on hand at a plant at the end of the month: *Provided*, That producer milk transferred or diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the transferring or diverting handlers pool plant shall be included in the receipts at the pool plant to which such milk was transferred or diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the transferring or diverting handler's pool plant for such purpose.

(b) Prorate the total shrinkage of skim milk and butterfat computed pursuant to paragraph (a) of this section to skim milk and butterfat, respectively, contained in or used to produce all producer milk and all other source milk.

§ 963.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat contained in producer milk and in other source milk received

by a handler shall be classified as Class I milk unless the handler proves to the market administrator that such skim milk and butterfat or a portion thereof should be classified as Class II milk. Any skim milk or butterfat which is classified in one class shall be reclassified to the other class if subsequent to the original classification such skim milk or butterfat is handled in such a manner as to justify its reclassification.

§ 963.44 *Transfers.* Skim milk or butterfat transferred (including skim milk and butterfat in milk which was diverted) from a pool plant in the form of milk, skim milk or cream to:

(a) Another pool plant or a nonpool plant from which a route is operated wholly or partially within the marketing area shall be classified as Class I milk unless utilization in Class II is indicated by the operators of both plants in their reports filed pursuant to § 963.30 for the month during which such transfer was made. If the two operators indicate a Class II utilization of all or part of the transferred skim milk and butterfat and the pounds of skim milk or butterfat remaining in Class II milk after the allocation of skim milk and butterfat in other source milk pursuant to § 963.46 (e) for the plant to which such transfer was made are greater than the pounds of skim milk and butterfat, respectively, so mutually indicated to be classified as Class II milk, then all such skim milk or butterfat transferred shall be classified as Class II milk. If the pounds of skim milk or butterfat remaining in Class II milk after the allocation of skim milk and butterfat in other source milk pursuant to § 963.46 (e) for the plant to which such transfer was made are less than the pounds of skim milk or butterfat, respectively, so mutually indicated to be classified as Class II milk, then an amount of such transferred skim milk or butterfat, respectively, equal to the pounds remaining in Class II in the plant to which such transfer was made shall be classified as Class II milk and the remainder of such skim milk or butterfat so transferred shall be classified as Class I milk.

(b) To a producer-handler shall be classified as Class I milk.

(c) To a nonpool plant from which no route is operated within the marketing area shall be classified as Class I milk unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 8th day of the month following that within which such transfer was made and the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at his plant and makes such books and records available to the market administrator, upon his request, for the verification of such utilization. If the above conditions are met the market administrator shall classify all skim milk and butterfat received at the nonpool plant and the skim and butterfat so transferred shall be allocated in series beginning with any skim milk and butterfat, respectively, remaining in Class I milk after allocating skim milk and butterfat in milk received from dairy farmers who the market administrator determines constitute the regular source of milk for Class I uses at such plant in series beginning with Class I milk.

§ 963.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler pursuant to § 963.30 and shall compute separately the pounds of skim milk and butterfat in each class.

§ 963.46 *Allocation of skim milk and butterfat.* Skim milk and butterfat to be classified pursuant to § 963.40 shall be separately allocated to skim milk and butterfat classified pursuant to §§ 963.41 through 963.44 in sequence as follows:

(a) Plant shrinkage of skim milk and butterfat contained in producer milk as computed pursuant to § 963.42 (b) shall be allocated to skim milk and butterfat, respectively, classified pursuant to § 963.41 (a) (3) and (b) (4).

(b) Skim milk and butterfat contained in or used to produce products other than milk, skim milk, or cream received in such form shall be allocated to skim milk and butterfat contained in or used to produce products moved from a plant during the month or on hand at a plant at the end of the month in like form.

(c) Skim milk and butterfat contained in any frozen cream which was classified in a previous month as Class II milk pursuant to § 963.41 (b) (2) and which was removed from storage or received from another handler during the month for which classification is being determined shall be allocated to skim milk and butterfat used to produce ice cream or other frozen desserts or mixes for such ice cream or other frozen desserts moved from a plant during such month or on hand at a plant at the end of such month.

(d) Remaining skim milk and butterfat contained in or used to produce other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act shall be allocated to remaining skim milk and butterfat, respectively, in Class II milk, and if such remaining skim milk or butterfat contained in or used to produce such other source milk exceeds the remaining skim milk or butterfat, respectively, in Class II milk, such excess of skim milk or butterfat shall be allocated to skim milk or butterfat, respectively, in Class I milk.

(e) Remaining skim milk and butterfat contained in or used to produce other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act shall be allocated to remaining skim milk and butterfat, respectively, in Class II milk, and if such remaining skim milk or butterfat contained in or used to produce such other source milk exceeds the remaining skim milk or butterfat, respectively, in Class II milk, such excess of skim milk or butterfat shall be allocated the skim milk and butterfat in Class I milk.

(f) Skim milk and butterfat transferred and classified pursuant to § 963.44 shall be allocated to skim milk and butterfat, respectively, pursuant to such classification.

(g) Add to the remaining skim milk and butterfat in each class the skim milk and butterfat, respectively, allocated pursuant to paragraph (a) of this section.

(h) If the then remaining skim milk or butterfat in all classes exceeds the skim milk or butterfat contained in producer milk received by such handler, subtract such excess of skim milk or butterfat from remaining skim milk or butterfat, respectively, in Class II milk, and if the remaining skim milk or butterfat in Class II milk is less than such excess of skim milk or butterfat, respectively, subtract the difference of skim milk or butterfat from remaining skim milk or butterfat, respectively, in Class I milk. The resulting volumes of skim milk and butterfat in each class are the volumes of skim milk and butterfat in producer milk in each class.

MINIMUM PRICES

§ 963.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I and Class II milk price pursuant to § 963.51 and § 963.52 shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Bellsville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed;

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month; and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(c) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter as computed in paragraph (b) (1) of this section, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average as computed by the market administrator, of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 963.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received by such handler during the month which is classified as Class I milk shall be computed by the market administrator as follows:

Provided, That in each month from the effective date of this section through July 1953 the price per hundredweight for producer milk received by a handler at a pool plant for which the handler holds a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and classified as Class I milk shall be the Class I price for such month as computed pursuant to § 975.61 (a), exclusive of the proviso contained therein, of the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (7 CFR, Part 975) less 15 cents, and the price for producer milk received by a handler at a pool plant for which the handler does not hold a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and classified as Class I milk shall be such Cleveland Class I less 40 cents.

(a) Add to the basic formula price the following amount for the month indicated:

Month	*Amount*
May and June	$0.90
March, April, July, and August	1.30
All others	1.70

Provided, That in computing the price to be paid by any handler for butterfat and skim milk contained in producer milk which was received by such handler during the month at a pool plant for which the handler does not hold a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and which is classified as Class I milk, the amounts to be added to the basic formula price pursuant to this paragraph shall be 25 cents less in each month than the amounts indicated above.

(b) Add or subtract from the result computed pursuant to paragraph (a) of this section a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the total volume of producer milk and other source milk received by all handlers in the first and second months preceding the month for which a price is being computed which was classified as Class I milk pursuant to §§ 963.41 (a), 963.43, and 963.44 by the total volume of producer milk received by all handlers during the same months, multiplying the result by 100, and rounding to the nearest whole number;

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage computed pursuant to subparagraph (1) of this paragraph the appropriate "standard utilization percentage" shown below:

Month for which a price is being computed:	*Standard utilization percentage*
January	84
February	80
March	78
April	75
May	71
June	64
July	61
August	64
September	67
October	70
November	76
December	82

(3) The amount of the supply-demand adjustment shall be as follows:

[Cents per hundredweight]

If the net utilization percentage is—	Supply-demand adjustment for specified month is—		
	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
+12 or over	+38	+25	+50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+26
+3 or +4	+10	+7	+14
+1 to −1	0	0	0
−3 or −4	−10	−14	−7
−6 or −7	−20	−26	−13
−9 or −10	−28	−38	−19
−12 or −13	−38	−50	−25
−15 or −16	−28	−50	−31
−18 or −19	−38	−50	−37
−21 or −22	−38	−50	−43
−24 or under	−38	−50	−50

When the net utilization percentage does not fall within one of the above tabulated brackets, the supply-demand adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month. If in the first month this supply-demand adjustment is in effect the net utilization percentage does not fall within one of the above tabulated brackets the supply-demand adjustment shall be determined by the adjacent bracket which would result in the higher supply-demand adjustment.

(c) Divide the price computed pursuant to § 963.50 (c) into the amount computed pursuant to § 963.50 (c) (1).

(d) Multiply the price computed pursuant to paragraphs (a) and (b) of this section by the result obtained pursuant to paragraph (c) of this section.

(e) Divide the result obtained pursuant to paragraph (d) of this section by 0.035. This result shall be the price per hundredweight of butterfat classified as Class I milk.

(f) From the price computed pursuant to paragraph (a) and (b) of this section, subtract the amount computed pursuant to paragraph (d) of this section, and divide the remainder by 0.965. The result shall be the price per hundredweight of skim milk classified as Class I milk.

§ 963.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received by such handler during the month which is classified as Class II milk shall be computed by the market administrator as follows:

(a) Multiply the basic formula price computed pursuant to § 963.50 by the result obtained pursuant to § 963.51 (c).

(b) Divide the result obtained pursuant to paragraph (a) of this section by 0.035. The result shall be the price per hundredweight of butterfat classified as Class II milk.

(c) From the basic formula price computed pursuant to § 963.50 subtract the amount computed pursuant to paragraph (a) of this section, and divide the remainder by 0.965. The result shall be the price per hundredweight of skim milk classified as Class II milk.

DETERMINATION OF UNIFORM PRICE

§ 963.60 *Value of producer milk.* The value of producer milk received by each handler during the month shall be computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class as computed pursuant to § 963.46 by the applicable class prices and adding together the resulting amounts: *Provided*, That if after the allocation of skim milk and butterfat pursuant to paragraphs (a) through (g) of § 963.46 the remaining amount of skim milk or butterfat exceeds the amount of skim milk or butterfat, respectively, in producer milk received by such handler, there shall be added to the value of the producer milk received by such handler a further amount computed by multiplying the hundredweight of skim milk or butterfat as subtracted pursuant to § 963.46 (h) by the applicable class price.

§ 963.61 *Computation of uniform prices.* For each month the market administrator shall compute a uniform price per hundredweight of milk containing 3.5 percent of butterfat to be paid to producers delivering milk to any pool plant for which the handler operating such plant holds a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio and a uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers delivering to any pool plant for which the handler operating such plants does not hold a permit for such plant from any of such health authorities as follows:

(a) Combine into one total the value of producer milk for each handler as computed pursuant to § 963.60 for all handlers who reported pursuant to § 963.30 for such month, except those in default in payments required pursuant to § 963.72 for the preceding month;

(b) Add the total amount of all payments made pursuant to § 963.72 (b), (c), and (d);

(c) Add any amounts paid into the producer-settlement fund and subtract any amounts paid out of the producer-settlement fund pursuant to § 963.77;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund exclusive of the amounts added or subtracted pursuant to paragraphs (b) and (c) of this section;

(e) Subtract, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 963.74 multiplied by 10;

(f) Subtract an amount computed by multiplying by 25 cents the hundredweight of producer milk which was (1) received during the month for which uniform prices are being computed at all pool plants for which the handler operating such plant holds a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and (2) classified as Class I milk;

(g) Divide the resulting amount by the total hundredweight of producer milk received by all handlers during the month for which uniform prices are being computed;

(h) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed to pool plant for which the handler operating such plant does not hold a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio;

(i) Divide the amount subtracted pursuant to paragraph (f) of this section by the hundredweight of producer milk received during the month for which uniform prices are being computed at all pool plants for which the handler operating such pool plants hold permits for such plants from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio;

(j) Add the amount computed pursuant to paragraph (i) of this section to the amount computed pursuant to paragraph (g) of this section; and

(k) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed to any pool plant for which the handler operating such plant holds a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio.

§ 963.62 *Notification.* On or before the 13th day of each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 963.30 of:

(a) The classification pursuant to § 963.46 of skim milk and butterfat contained in producer milk received by such handler during the preceding month and the value of such milk computed pursuant to § 963.60;

(b) The uniform prices for the preceding month computed pursuant to § 963.61; and

(c) The amount due such handler pursuant to § 963.73 and the amount to be paid by such handler pursuant to §§ 963.72, 963.75, and 963.76.

PAYMENTS FOR MILK

§ 963.70 *Payments to producers or cooperative associations.* Subject to §§ 963.74 and 963.76, each handler who is not a cooperative association shall make payments to producers or cooperative associations pursuant to either paragraph (a) or (b) of this section:

(a) On or before the 16th day of each month such handler shall pay to a cooperative association which requests such payment for producer milk received in the preceding month from producers who have given such cooperative association written authorization to collect payment for their milk a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (b) of this section. In making such payments to a cooperative association, the payments shall be accompanied with a statement showing the name of each producer for whose milk payment is being made to the cooperative association, the volume and average butterfat content of milk received from each such producer, and the amount of and reason for any deductions which the handler has withheld from the amount due such producer.

(b) On or before the 18th day of each month such handler shall pay each producer (other than those for who a cooperative association collects pursuant to paragraph (a) of this section) for milk received from him during the preceeding month at not less than the appropriate uniform price computed pursuant to § 963.61 (h) or (k) for such month, adjusted by the butterfat differential computed pursuant to § 963.74 for such month, and less any deductions authorized by such producer: *Provided*, That if the payments made to a handler pursuant to § 963.73 have been reduced pursuant to the proviso contained therein, such handler may reduce payments to producers or cooperative associations by the same amount per hundredweight of milk and such handler shall complete payments to producers or cooperative associations as required by this section or before the next date for making payments pursuant to this section following the date upon which such handler receives payment in full for amounts due him pursuant to § 963.73.

§ 963.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to §§ 963.72 and 963.77 and out of which he shall make all payments pursuant to §§ 963.73 and 963.77.

§ 963.72 *Payments to the producer-settlement fund.* On or before the 14th day of each month handlers shall make payments to the market administrator as follows:

(a) If the value of producer milk received by a handler in the preceding month as computed pursuant to § 963.60 exceeds the amount which such handler is required to pay to all producers pursuant to § 963.70, such handler shall pay the difference between the two amounts.

(b) Any handler who during the preceding month operated a nonpool plant from which a route extending into the marketing area was operated shall pay an amount computed by determining the value at the Class I price which would be applicable at such plant if it were a pool plant of all Class I milk disposed of on routes operated wholly or partially within the marketing area during the preceding month and by deducting from such value the value of such milk at the Class II price: *Provided*, That if such handler received at his nonpool plant during the preceding month skim milk and butterfat from a pool plant which was classified as Class I milk pursuant to § 963.44 (c) a payment shall be made pursuant to this section only if the volume of Class I milk so disposed of on routes operated wholly or partially within the marketing area is in excess of the volume of Class I milk received from a pool plant and shall be computed only on such excess.

(c) Any handler who during the preceding month operated a pool plant shall pay an amount computed by determining the value of other source milk which was received during the preceding month and allocated to Class I milk pursuant to § 963.46 (d) at the Class I price applicable to such plant and by deducting from such value the value of such milk at the Class II price.

(d) Any handler who received other source milk in the preceding month which was allocated to Class I milk pursuant to § 963.46 (e) shall pay any amount by which the value of such milk at the Class I price applicable to the plant at which such other source milk was received exceeded the value of such milk computed pursuant to the other marketing agreement or order.

§ 963.73 *Payments out of the producer-settlement fund.* On or before the 16th day of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler for the preceding month pursuant to § 963.70 is greater than the total value of the milk of such handler computed pursuant to § 963.60 for such preceding month, less any unpaid obligations of the handler to the market administrator pursuant to § 963.72: *Provided*, That if the balance in the producer-settlement fund is in-

sufficient to make payments to all handlers pursuant to this paragraph, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 963.74 *Producer butterfat differential.* In making payments pursuant to § 963.70 the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the next high half-cent) computed as follows: Divide the average price of butter as computed pursuant to § 963.50 (b) (1) by 10 and, if the result is not an even whole or half cent, round to the next higher whole or half cent.

§ 963.75 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 963.22 (c), each handler shall pay the market administrator on or before the 14th day of each month 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to (a) all receipts within the preceding month of producer milk (including such handler's own production), (b) all other source milk received at a pool plant in the preceding month and classified as Class I, and (c) all other source milk on which payment is made pursuant to § 963.72 (b).

§ 963.76 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 963.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) Except as set forth in paragraph (b) of this section a handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk for which payment is being made pursuant to § 963.70 and shall pay the total amount of such deductions to the market administrator on or before the 16th day after the end of the month in which such producer milk was received. Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, a handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 963.70 (b) for producer milk received in the preceding month as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of the month in which such producer milk was received to the cooperative association rendering such services.

§ 963.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors or whenever skim milk or butterfat is reclassified pursuant to § 963.43 resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 963.70 the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice. In computing amounts due pursuant to this section Class prices, the appropriate uniform price, the butterfat differential, the rate of administration assessment pursuant to § 963.75, and the rate of marketing service deduction pursuant to § 963.76 which were applicable in the month for which the original calculations of amounts due were made shall be used.

§ 963.78 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within that applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 963.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

§ 963.81 *Suspension or termination.* Whenever the Secretary finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision of this subpart.

§ 963.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 963.83 *Liquidation.* Upon the suspension of the provisions of the subpart, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 963.90 *Agent.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 963.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 30th day of October 1952 to be effective as follows:

Sections 963.0 through 963.22 (g), 963.30 through 963.46, 963.75, and 963.77 through 963.91 of this order shall be effective on and after November 1, 1952; and all of the remaining terms and provisions of this order (§§ 963.22 (h), 963.50 through 963.74, and 963.76) shall be effective on and after December 1, 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11832; Filed, Nov. 3, 1952; 8:52 a. m.]

PART 967—MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than November 1, 1952, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the market of an adequate supply of milk. Accordingly any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the South Bend-La Porte, Indiana, marketing area. The provisions of the said amendatory order are well known to handlers. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the South Bend-La Porte, Indiana, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (September 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 967.50 (b) (2) and substitute therefor the following:

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand cheddars in cars or truckloads, f. o. b. Wisconsin assembling points, as reported by the Department for the trading days during the delivery period, subtract 1.3 cents, and multiply by 2.4:

2. Delete § 967.51 in its entirety and substitute therefor the following:

§ 967.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: May and June, $0.70; July through January, inclusive, $1.30; and February through April, inclusive, $0.90: *Provided*, That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent.

(b) Add together the amount computed pursuant to § 967.50 (c) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (c), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: May and June, $3.25; July through January, inclusive, $13.75; and all others, $11.00: *Provided*, That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the proviso of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class I milk.

(d) On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period.

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 12-month period and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period.

(3) Divide the amount obtained in subparagraph (2) of this paragraph by

the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio."

(4) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Order 41 and former Order 69 (Suburban Chicago, Illinois, marketing area) when it is necessary to use data for delivery periods prior to July 1, 1951.

3. Delete § 967.52 (c) and substitute therefor the following:

(c) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department by the companies listed below: *Provided*, That in the case of any such plant for which prices are reported on a biweekly basis, the simple average of the two most recent price quotations applicable to milk received during the delivery period at such plant shall be used in computing the average price for the four plants.

Present Operator and Location

Goshen Milk Condensing Co., Goshen, Indiana.

New Paris Creamery Co., New Paris, Indiana.

Schlosser Brothers Creamery, Plymouth, Indiana.

Elgin Milk Products Co., Galien, Michigan.

4. Delete § 967.80 (c) and substitute therefor the following:

(c) On or before the 4th day after the end of such delivery period each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on or before the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section:

When the uniform price for the preceding delivery period is:	*The amount of the partial payment shall be*
Under $1.00	$0.00
$1.00–$1.99	1.00
$2.00–$2.99	2.00
$3.00–$3.99	3.00
$4.00–$4.99	4.00
$5.00–$5.99	5.00
$6.00–$6.99	6.00
$7.00– and over	7.00

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 30th day of October 1952, to be effective on and after the 1st day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11834; Filed, Nov. 3, 1952; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 594—INTERDEPARTMENTAL PROCUREMENT

PART 596—CONTRACT CLAUSE AND FORMS

PART 602—GOVERNMENT PROPERTY

ARMY PROCUREMENT PROCEDURE; MISCELLANEOUS AMENDMENTS

1. In paragraph (d) of § 590.807, subparagraph (2) is revised, and subparagraph (5) is added as follows:

§ 590.807 *Procurement actions to be reported.* * * *

(d) * * *

(2) All oversea procurement actions involving MSA funds.

* * * * *

(5) All amendments involving price redetermination.

2. In § 590.808, the heading of paragraph (g) is changed, paragraphs (p) and (x) (3) are revised to read as follows:

§ 590.808 *Instructions for preparation of DD Form 350 (Individual Procurement Action Report).* * * *

(g) *Item 6; place of manufacture.* * * *

(p) *Item 9g; DDCP No.* A notation will be made in item 9g showing the Department of Defense Claimant Program Number (Applicable to use of DO ratings); this may be abbreviated as DDCP A4 etc.

* * * * *

(x) *Item 17;* * * *

(3) *Price differential.* If more than one location has been entered in Item 6, "Place of performance," an entry will be shown in Item 24, "Remarks," to show the actual dollar value to be performed in the labor surplus area.

* * * * *

3. In § 590.809, the last sentence of paragraph (d) (7), and the first sentence of paragraph (d) (29) are changed to read as follows:

§ 590.809 *Instructions for preparation of procurement action report;* * * *

(d) * * *

(7) *Technical service or command.* * * * The total of Column A will equal Columns C and D.

* * * * *

(29) *Remarks.* Enter the DD Form 350 report numbers of the actions which are included in line 8, Columns D and G. * * *

4. Paragraph (a) of § 591.102 is rescinded and the following substituted therefor:

§ 591.102 *Use of formal advertising—*(a) *Policy.* During a period of national emergency declared by the President or by the Congress, procurement by formal advertising will continue to be used, as the preferred method of purchasing, except when procurement by negotiation is authorized pursuant to §§ 402.201 and 592.201 of this title. "However, as to procurement in the interest of standardization of equipment and interchangeability of parts, see § 591.201 (j)."

* * * * *

5. Paragraph (c) of § 594.101 is rescinded and the following substituted therefor:

§ 594.101 *Statement of policy.* * * *

(c) *Economy.* In any case when, pursuant to paragraph (a) (2) of this section, it is determined that a saving will be effected by the purchase of mandatory items listed in the Federal Supply Schedule from sources other than those listed in such Schedule, the voucher submitted to the General Accounting Office shall contain a finding stating the reason for purchase from other than Federal Supply Schedule, and citing the amount of the savings effected. In arriving at such a saving, a percentage of 5 percent will be added to the actual price of the items to offset the administrative cost resulting from purchase, receiving, storing, issuing, etc., due to purchase outside the Schedule. The authority to make such a finding is vested in the Heads of the Procuring Activities. This authority will not be construed as authorization to disregard the requirements of the Federal Supply Schedule.

6. A new § 596.104–12a is added as follows:

§ 596.104–12a *Military security requirements, research and development contracts.* The following clause is approved for use in contracts with educational or non-profit institutions, as a deviation from the Armed Services Procurement Regulation (see Chapter IV of this title) pending inclusion in a future revision of the Armed Services Procurement Regulation:

MILITARY SECURITY REQUIREMENTS; RESEARCH AND DEVELOPMENT

(a) The provisions of the following paragraphs of this clause shall apply only if and to the extent that this contract involves access to security information or other matter classified "Top Secret," "Secret," "Confidential," or "Restricted."

(b) Except as otherwise provided in this clause, the Contractor agrees to provide and maintain a system of security controls within its or his own organization in accordance with (i) the requirements of the Department of Defense Industrial Security Manual for Safeguarding Classified Matter, dated December 13, 1951, as in effect on date of this contract, which Manual is hereby incorporated by reference and made a part of this contract, and (ii) any amendments to said Manual required by the demands of national security as determined by the Government and made after the date of this contract, notice of which has been furnished to the Contractor.

(c) The Government agrees that it shall indicate, when necessary, by a security information classification ("Top Secret," "Secret," "Confidential," or "Restricted"), the degree of importance to the national defense of information pertaining to supplies, services, and other matter to be furnished by the Contractor in complying with the requirements of the terms and the Government shall give written notice of such classification to the Contractor and of any subsequent changes thereof. The Contractor is authorized to rely on any letter or other written instrument signed by the Contracting Officer changing the classification of security information or other matter.

(d) Designated representatives of the Government responsible for inspection pertaining to industrial plant security shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the requirements of the terms and conditions of this clause. Should the Government, through its authorized representative, determine that the Contractor's security methods, procedures, or facilities do not conform to such requirements, it shall submit a written report to the Contractor advising him of the proper action to be taken in order to effect compliance with such requirements.

(e) In the event the Contracting officer notifies the Contractor of (i) a change in the classification of this contract or any part thereof from a nonclassified status to a classified status or from a lower classification to a higher classification or (ii) a change in military security requirements which results in more restrictive areas controls than previously required, the Contractor shall exert every reasonable effort compatible with its established policies to continue the performance of work under the contract in compliance with such change in classification or in military security requirements. If, despite such reasonable efforts, the Contractor determines that the continuation of work under this contract is not practicable because of such change in classification or military security requirements it shall so notify the Contracting Officer in writing.

(f) After receiving such written notification, the Contracting Officer shall explore the circumstances surrounding the proposed change in classification or in military security requirements and shall endeavor to work out a mutually satisfactory method whereby the Contractor can continue performance of the work under this contract.

(g) If, upon the expiration of fifteen (15) days after receipt of the notification by the Contracting Officer of the Contractor's stated inability to proceed, (i) the application to this contract of such change in classification or in military security requirements has not been withdrawn and (ii) a mutually satisfactory method for continuing performance of work under this contract has not been agreed upon, the Contractor may request the Contracting Officer to terminate the contract in whole or in part. Thereupon, the Contracting Officer shall terminate the contract in whole or part, as may be appropriate, and such termination shall be deemed a termination under the provisions of the clause of this contract entitled "Termination for the Convenience of the Government."

(h) Any disagreement concerning a question of fact arising under this clause shall be considered a dispute within the meaning of the clause of this contract entitled "Disputes."

(i) The Contractor agrees to insert in all subcontracts hereunder which involve access to classified security information or other matter, provisions shall conform substantially to the language of this clause, including this paragraph (i), but excluding paragraphs (e), (f), (g) and (h) of this clause.

7. Section 596.151–1 is rescinded and the following substituted therefor:

§ 596.151–1 *Price escalation (labor and materials).*—(a) The escalation clause set forth in this section is authorized for use in formally advertised or negotiated contracts for the procurement of supplies under conditions wherein it is desired to effect one or more possible price adjustments, during the life of the contract, solely upon the basis of rates of pay for certain specified types of labor and/or costs of certain specified types of materials. The clause is not to be used in those instances wherein it is desired to adjust contract prices upon the basis of changes in the original estimates of hours of labor or quantities of materials. The clause may be used in the procurement of items other than those of a standard commercial nature in those instances where adequate cost experience has been obtained on previous contracts and where the design of the supplies has been stabilized.

(b) Paragraph (b) of the clause provides that prices may be adjusted only if the change results in an increase or decrease of at least three percent of the aggregate contract price. Authority is granted to deviate from his percentage to provide for a lesser percentage if it is deemed that the value of the contract warrants the administration of price adjustments involving a smaller percentage change.

(c) The percentage increase to be specified in subparagraph (d) (3) of the clause shall not exceed fifteen percent.

(d) When it is planned to include this clause in contracts to be awarded as a result of formal advertising, the invitations for bid will clearly so state, and will further state that all bids will be evaluated after applying the maximum amount of escalation.

PRICE ESCALATION

(Labor and Materials)

(a) The Contractor represents and warrants that the prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (1) the Contractor's rates of pay for labor or (2) the prices which the Contractor is required to pay for materials, as set forth in detail in paragraph (b) hereunder. The Contractor further represents and warrants that the net price or prices paid or to be paid by the Government under this contract do not and shall not exceed those paid by any other purchaser or consignee for like quantities of the same or similar supplies.

(b) In the event that, at any time during the performance of this contract, the Contractor is required to pay rates of pay for the types of labor specified below, or is required to pay prices for the materials specified below, in excess of, or less than the following rates and/or prices upon which the contract unit price for _____

_____

(Insert name or reference to end item) is based:

Type of labor or material	Unit of measure	Rate of pay or price per unit

then in such event the contract unit price may be adjusted upward or downward in accordance with the provisions of paragraph (c). Such adjustment shall apply to the units completed subsequent to the effective date of any such increase or decrease and shall be by an amount equivalent to the increase or decrease in cost per uncompleted unit occasioned by the increase or decrease in rates of pay for the labor or prices for material specified above. No adjustment shall be made, however, that does not result in an increase or decrease of at least three percent (3%) of the then aggregate contract price of the uncompleted units of the contract.

(c) Not later than twenty (20) days after the effective date of any increase or decrease as referred to in paragraph (b) hereof, the Contractor shall notify the Contracting Officer of any such increase or decrease, and with such notification shall submit a supporting cost breakdown. Such cost breakdown will—

(1) Be prepared in accordance with recognized commercial accounting principles;

(2) Indicate changes in estimated labor and/or material costs resulting from any increase or decrease as referred to in paragraph (b) hereof; and

(3) Be signed by a responsible official of the Contractor. Upon the basis of such notification and cost breakdown, and such other data as may be available to the Contracting Officer or as shall be furnished to him upon request to the Contractor, a price adjustment to reflect the increase or decrease in costs as referred to in paragraph (b) hereof shall be determined by mutual agreement between the Contractor and the Contracting Officer, and shall be set forth in an amendment to this contract. In the event that the Contractor fails to give notice of any decrease as required herein, a downward adjustment shall be later effected with respect to the units completed subsequent to the effective date of any such decrease. The Contracting Officer or any person authorized by him may examine any or all of the Contractor's records and information available to the Contractor relating to rates paid for labor and prices paid for materials specified in paragraph (b) hereof.

(d) Price adjustments may be agreed upon at any time and from time to time during the performance of this contract in accordance with the provisions of this clause. In no event, however, shall any price adjustment be made:

(1) For any increases or decreases in costs other than those for the types of labor and materials specified in paragraph (b) hereof.

(2) For increased or decreased costs resulting from an increase or decrease as related to the original contract estimates in number of hours of labor or in amounts of materials.

(3) For increases or accumulated increases in unit prices in excess of ____ percent (____%) of the original contract unit price.

(4) For rates of pay for labor or prices for materials in excess of those established by the Economic Stabilization Agency or other authorized Government Agency.

(e) Pending a determination of any price adjustment under this clause the Contractor shall continue deliveries hereunder. Failure of the parties to agree upon a price adjustment pursuant to the provisions of this clause shall be deemed to be a dispute as to a question of fact within the meaning of the clause of this contract entitled "Disputes."

8. In § 596.152–1, paragraphs (b) (1) and (d) are amended to read as follows:

§ 596.152–1 *Form II–B price redetermination clause.* * * *

(b) *Conditions for use.* * * *

(1) The contract is a fixed-price contract for supplies, the quantity being procured is large, no accurate forecast of the cost of production is feasible, and the contract covers a period of at least nine months.

* * * * *

(d) *Contract clause.* The following Form II-B price redetermination clause may be used in negotiated fixed-price contracts in accordance with the instructions set forth in the preceding paragraphs and is approved for use in accordance with § 592.403 of this subchapter.

PRICE REDETERMINATION

(Form II-B)

(a) The prices stated herein may be increased or decreased in accordance with this clause. In no event shall the revised price exceed $_____.

(b) *Times for negotiation.* (1) Upon completion of delivery of __ percent of the (*here specify the principal items to be furnished under the contract*) to be furnished under this contract or upon expenditure of (*here specify the percentage of the total contract amount*), whichever shall occur last, the parties shall negotiate to revise the prices of all items theretofore and thereafter to be delivered. Within ____ (not to exceed 45) days after the completion of delivery or expenditure of funds referred to above, the Contractor shall furnish to the Contracting Officer the statements and data referred to in paragraph (c) of this clause. At any time and from time to time after the completion of delivery or expenditure of funds referred to above, subject to the limitations specified in this clause, either the Government or the Contractor may deliver to the other a written demand that the parties negotiate to adjust the prices under this contract. No demand shall be made prior to 90 days after completion of delivery or expenditure of funds referred to above, and thereafter neither party shall make a demand having an effective date within 90 days of the effective date of any prior demand. Each demand shall specify a date (identical with or subsequent to the date of the delivery of the demand) as of which the revised prices shall be effective as to the deliveries made thereon and thereafter. This date is hereinafter referred to as "the effective date of the price redetermination." For the purposes of the first negotiation contemplated by this paragraph, the date of execution of this contract shall be deemed to be the effective date of the price redetermination. Any demand under this clause, if made by the Contractor, shall state briefly the ground or grounds therefor and shall be accompanied by the statements and data referred to in paragraph (c) of this clause. If the demand is made by the Government, such statements and data will be furnished by the Contractor within ____ (*not to exceed 45*) days of the delivery of the demand.

(2) In the event all remaining work under this contract, as it may from time to time be amended, shall be terminated pursuant to the clause of this contract entitled "Termination for Convenience of the Government," no demand shall then or thereafter be made and any demand the effective date of which is less than 30 days before the effective date of such termination shall be void and of no effect.

(c) *Submission of data.* At the time or each of the times specified or provided for in paragraph (b) of this clause the Contractor shall submit (i) a new estimate and breakdown of the unit cost and the proposed prices of the items remaining under this contract after the effective date of the price redetermination, itemized so far as is practicable in the manner prescribed by WD Form 105; (ii) an explanation of the differences between the original (or last preceding) estimate and the new estimate; (iii) such relevant shop and engineering data, cost records, overhead absorption reports and accounting statements as may be of assistance in determining the accuracy and reliability of the new estimate; (iv) a statement of experienced costs of production hereunder to the extent that they are available at the time or times of the negotiation of the revision of prices hereunder; and (v) any other relevant data usually furnished in the case of negotiation of prices under a new contract. The Government may make such examination of the Contractor's accounts, records and books as the Contracting Officer may require and may make such audit thereof as the Contracting Officer may deem necessary.

(d) *Negotiations.* (1) Upon the filing of the statements and data required by paragraph (c) of this clause, the Contractor and the Contracting Officer will negotiate promptly in good faith to agree upon prices for items to be delivered on and after the effective date of the price redetermination. Negotiations for price redetermination under this clause shall be conducted on the same basis, employing the same types of data (including, without limitation, comparative prices, comparative costs, and trends thereof) as in the negotiation of prices under a new contract.

(2) After each negotiation the agreement reached will be evidenced by a supplemental agreement stating the redetermined prices to be effective with respect to deliveries on and after the effective date of the price redetermination (or such other later date as the parties may fix in such supplemental agreement).

(e) *Disagreements.* If within _____ (*not to exceed 45*) days after the date on which the statements and data are required pursuant to paragraph (b) of this clause to be filed (or such further period as may be fixed by written agreement) the contracting Officer and the Contractor fail to agree to redetermined prices (which term, for the purpose of this clause, shall include direct costs, indirect costs, and profit), the failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the prices so fixed shall remain in effect for the balance of the contract notwithstanding any other provision of this clause.

(f) *Payments.* Until new prices shall become effective in accordance with this clause, the prices in force at the effective date of the price redetermination shall be paid upon all deliveries, subject to appropriate later redetermination made pursuant to paragraph (d) or (e) or (g) (2) (B) of this clause. It is mutually understood that where the Contractor fails to submit cost data required by paragraph (b) (1) of this clause within the time specified, payment of all invoices shall be suspended by the Contracting Officer until such time as the required statements and data are furnished by the Contractor.

(g) *Termination provisions.* For any of the purposes of the clause of this contract entitled "Termination for Convenience of the Government" (including, without limitation, the computation of "the total contract price" and "the contract price of work not terminated"), the contract price of delivered articles shall be deemed to be:

(1) For all items delivered prior to the effective date of the price redetermination, the contract price (giving effect to any prior revisions under this clause) applicable to each such item.

(2) For all items delivered on or after the effective date of the price redetermination.

(A) The contract price as revised in accordance with this clause if such revision shall have been agreed upon.

(B) If such revision shall not have been agreed upon, then such estimated prices as the Contractor and the Contracting Officer may agree upon as reasonable under all the circumstances and in the absence of such agreement such reasonable prices as may be determined in accordance with the clause of this contract entitled "Disputes."

(h) *Termination during the initial period.* In the event that this contract is terminated pursuant to the clause of this contract entitled "Termination for Convenience of the Government," or the Contractor's right to deliver is terminated pursuant to the clause of this contract entitled "Default," so that the last delivery under the contract as terminated is made prior to the completion of the initial period as specified in paragraph (b) of this clause, the Contractor within ____ days after such last delivery shall furnish the data required by paragraph (c) of this clause and thereupon the parties shall negotiate in good faith to agree upon revised prices under this contract. The agreement reached shall be evidenced by a supplemental agreement to this contract stating the revised prices under the contract. Any disagreement as to the revised prices will be disposed of as a question of fact in accordance with the clause of this contract entitled "Disputes." The following is authorized as an optional paragraph (e) in the Form II-B price redetermination clause:

(e) *Disagreements.* (1) If within _____ (*not to exceed 45*) days after the date on which the statements and data are required pursuant to paragraph (b) of this clause to be filed (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to redetermined prices (which term, for the purpose of this clause, shall include direct costs, indirect costs and profit), the Contractor, if he has substantially complied with the requirements of this clause as to the furnishing of statements and data, may give written notice to the Contracting Officer requiring the Government to pay the prices set forth in such notice from the time at which the price redetermination was to be effective under the provisions of this clause.

(2) If the Contracting Officer and the Contractor fail to agree, the Contracting Officer within 30 days after the delivery of the Contractor's notice may serve upon the Contractor a written election by which the Government agrees to pay to the Contractor fair and just compensation from the time at which such price redetermination was to be effective under the provisions of this clause. The written election shall specify the amount which the Contracting Officer deems to be fair and just compensation. If no written election is served upon the Contractor, the prices set forth in the Contractor's notice shall be incorporated in an appropriate supplemental agreement. If a written election is served upon the Contractor as above provided, the contract shall continue in effect as modified by such written election and the Contractor (a) shall be paid currently the amount specified by the Contracting Officer in such written election for all deliveries affected thereby and (b) may recover from the United States, by suit brought within six months after the delivery of such written election or after the completion of deliveries under this contract, whichever shall last occur, the amount, if any, by which such fair and just compensation exceeds the amount so specified.

(3) If the Contracting Officer and the Contractor fail to agree and no notice has been given by the Contractor as contemplated in paragraph (e) (1) of this clause, the Contractor shall be entitled to receive, from the time at which such price redetermination was to be effective under the provisions of this clause, fair and just compensation the amount which shall be determined as a question of fact pursuant to the clause of this contract entitled "Disputes."

9. A new § 602.810 is added as follows:

§ 602.810 *Reports and inspection.* (a) The Property Administrator shall secure from the Contractor (at such intervals and at times appropriate to the particular contract concerned, as determined by the Contract Administrator) reports showing the Contractor's program for the maintenance, repair, protection and preservation of Government Property in the possession of the Contractor and also showing the extent to which the Contractor is following and adhering to said program. Where the Contractor has a well established maintenance and protection schedule for his own equipment, and such schedule is approved by the Property Administrator, the requirements of this paragraph shall be deemed met by a written statement to the effect that Government Property will receive the same treatment as that received by the Contractors' own equipment.

(b) The Property Administrator shall conduct periodic inspections of the physical condition of such property to determine the adequacy of the Contractor's performance of the scheduled program. He shall report promptly in writing to the Contract Administrator any noncompliance by the Contractor with the requirement that he shall properly care for Government Property. [201]

[Proc. Cir. 20, Sept. 30, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-11817; Filed, Nov. 3, 1952; 8:49 a. m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1102—STATE GUARD REGULATIONS

REVOCATION

Part 1102, including §§ 1102.1 through 1102.12, is hereby revoked.

(Cir. 90, Oct. 16, 1952) (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-11818; Filed, Nov. 3, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 167, Amdt. 3]

CPR 167—COTTONSEED FEED PRODUCTS

CONTRACTS FOR FUTURE DELIVERY OF MIXES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 167 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 1 to Ceiling Price Regulation (CPR) 167 established new ceiling prices for mixes based upon cottonseed feed products. It provided that the new ceiling prices would not apply to deliveries of mixes made no later than October 31, 1952 under contracts entered into prior to October 3, 1952 for delivery prior to November 1, 1952. Deliveries before November 1 under such contracts could be made under the ceiling prices in effect prior to the amendment.

In issuing Amendment 1, the Director intended to afford sellers of mixes based on cottonseed feed products treatment substantially equivalent to that given sellers of mixes based on flaxseed feed products. In view of his decision to extend the cutoff date for former ceiling sales of flaxseed feed products mixes, the Director deems it appropriate to take equivalent action in respect to cottonseed feed product mixes. Accordingly, this amendment changes section 2 (c) of CPR 167 to provide that the new ceiling prices for mixes based on cottonseed feed products do not apply to deliveries made no later than November 30, 1952 on contracts entered into prior to October 3, 1952 for delivery before December 1, 1952.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of that act.

AMENDATORY PROVISIONS

Section 2 (c) of Ceiling Price Regulation 167 is amended to read as follows:

(c) Deliveries of mixes made no later than November 30, 1952, under "firm contracts" entered into prior to October 3, 1952, for delivery before December 1, 1952. A "firm contract" means a contract which is not subject to adjustment or renegotiation of price or month of delivery.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 31, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52-11875; Filed, Oct. 31, 1952; 5:00 p. m.]

[General Ceiling Price Regulation, Amdt. 3 to Supplementary Regulation 95, Rev. 1]

GCPR, SR 95—CEILING PRICES FOR PROCESSORS AND DISTRIBUTORS OF FLAXSEED FEED PRODUCTS

CONTRACTS FOR FUTURE DELIVERY OF MIXES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Supplementary Regulation 95, Revision 1, to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 2 to Supplementary Regulation (SR) 95, Revision 1, to the General Ceiling Price Regulation (GCPR) established new ceiling prices for flaxseed feed products mixes. It provided that the new ceiling prices would not apply to deliveries of mixes made no later than October 31, 1952 under contracts entered into prior to October 3, 1952 for delivery prior to November 1, 1952. Deliveries before November 1 under such contracts could be made under the ceiling in effect prior to the amendment. This action was taken in order to afford to sellers of mixes based on flaxseed feed products treatment substantially equivalent to that given to sellers of mixes based on soybean products. Information which has become available to the Director since amendment 1 was issued indicates that in order to achieve this objective it is appropriate to extend the cutoff date by one month. Accordingly, this amendment changes section 2 (c) of SR 95 Revision 1, to the GCPR to provide that the new ceiling prices for flaxseed feed products mixes do not apply to deliveries made no later than November 30, 1952 on contracts entered into prior to October 3, 1952 for delivery before December 1, 1952.

In the formulation of this amendment there has been consultation with industry representatives to the extent practicable and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of that act.

AMENDATORY PROVISIONS

Section 2 (c) of Supplementary Regulation 95, Revision 1, to the General Ceiling Price Regulation is amended to read as follows:

(c) This supplementary regulation does not apply to deliveries of mixes made no later than November 30, 1952, under "firm contracts" entered into prior to October 3, 1952, for delivery before December 1, 1952. A "firm contract" means a contract which is not subject to adjustment or renegotiation of price or month of delivery.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 31, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52-11876; Filed, Oct. 31, 1952; 5:00 p. m.

[Ceiling Price Regulation 121, Amdt. 3]

CPR 121—PRINTING, PRINTED PRODUCTS, ALLIED PRODUCTS AND CERTAIN PAPER PRODUCTS

CHURCH OFFERING ENVELOPES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 121 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds church offering envelopes to the list of printed commodities covered by Ceiling Price Regulation 121. A church offering envelope is a small envelope upon which is printed a number, a date, the name of some religious or charitable institution, and other printed matter, the purpose of which is to accommodate the giving of offerings to the religious or charitable institution concerned. These envelopes are packaged in numbered sets so that each contributor, or his family, may have a group of envelopes for offerings over a period of time, usually one year.

There are 19 printers of church offering envelopes. More than 50% of the total production is produced by 14 printers who purchase envelopes and then do the printing on them. The remaining 5 printers manufacture their own envelopes and then print them.

The intention of CPR 121 was to cover manufacturers and printers of envelopes used for greeting cards, social stationery, and related products. Church offering envelopes are similar to such envelopes and should have been included in the list of printed commodities covered by the regulation.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives of the envelope industry to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 121 is amended in the following respects:

1. Paragraph (e) of Appendix A is amended by adding a fifth commodity as follows:

(5) Church offering envelopes.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 121 shall become effective November 3, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 3, 1952.

[F. R. Doc. 52-11903; Filed, Nov. 3, 1952; 12:01 p. m.]

[Ceiling Price Regulation 146, Amdt. 1]

CPR 146—CEILING PRICES FOR SALES OF WOOL GREASE AND LANOLIN BY MANUFACTURERS AND PROCESSORS

MAINTENANCE OF CUSTOMARY PRICE DISCOUNTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 146 is hereby issued.

STATEMENT OF CONSIDERATIONS

CPR 146 does not now require the maintenance of discounts or allowances based on terms of sale or differences in classes of purchasers. It has come to the attention of the Director that manufacturers and processors of wool grease customarily allowed discounts to wholesalers, distributors and other resellers of wool grease and lanolin, which resulted in lower prices than those charged to consuming purchasers. Accordingly, this amendment brings CPR 146 into conformance with industry practice by requiring manufacturers and processors to maintain discounts and allowances based on terms of sale or differences in classes of purchasers if they customarily offered them during the GCPR base period. Manufacturers and processors of wool grease and lanolin, prior to the effective date of CPR 146, were under the GCPR which required the maintenance of such discounts.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 2 of Ceiling Price Regulation 146 is amended by adding a new paragraph designated (c) to read as follows:

(c) The ceiling prices set forth in paragraph (a) or determined under paragraph (b) shall be subject to the same discounts and allowances, based on terms of sale or difference in classes of purchasers, as those which you customarily offered or maintained during the period December 19, 1950 to January 25, 1951, inclusive.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 146 is effective November 3, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 3, 1952.

[F. R. Doc. 52-11904; Filed, Nov. 3, 1952; 12:01 p. m.]

[General Disallowance Order 1]

GDO 1—FINES IN CRIMINAL CASES AND PAYMENTS IN SATISFACTION OR SETTLEMENT OF CIVIL LIABILITIES ARISING FROM VIOLATION OF CEILING PRICE REGULATIONS BY SELLERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, as amended, and Economic Stabilization Agency General Orders Nos. 2 and 15, this General Disallowance Order 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 409 (d) of the Defense Production Act of 1950, as amended, provides that the President shall prescribe the extent to which any payment of a fine pursuant to section 409 (b) or any payment made to the United States or to any buyer in compromise or satisfaction of any liability or of any right of action, suit, or judgment, authorized pursuant to section 409 (c) for selling any material or service, in violation of a regulation or order establishing a ceiling price, shall be disregarded by the executive departments and other governmental agencies in determining, for the purpose of any other law or regulation, the costs or expenses of any person violating such regulation or order. By appropriate delegations, the Director of Price Stabilization is now vested with such authority. The purpose of this order is to prescribe the extent to which such payments by sellers shall be disregarded for the purposes indicated.

The pertinent language of section 409 (c) of the act is substantially the same as that contained in the corresponding provisions of the Emergency Price Control Act of 1942, as amended. A considerable body of court decisions has grown up concerning the tax deductibility and treatment for other purposes of fines and damage payments made by violators of the maximum price regulations issued under that act. In the formulation of this order, consideration has been given to such court decisions; and the provisions of this order are designed to conform to the prevailing judicial opinion in such matters.

Fines imposed under section 409 (b) are criminal penalties for willful violations of ceiling price regulations. Basic public policy affirmed by court decisions would clearly be violated and the value, as an effective enforcement sanction, of the provisions of section 409 (b) would be greatly impaired if a payment of such a fine could be deducted, as an "ordinary and necessary business expense" or otherwise, for tax purposes; or if a person making such a payment were permitted to gain therefrom advantage of any other kind in connection with any other matter within the jurisdiction of the United States. Accordingly, this order provides that any payment of such a fine shall be wholly disregarded by the executive departments and other governmental agencies in determining the violator's costs or expenses for the purpose of any other law or regulation.

The treatment of payments made in compromise or satisfaction of the civil liability created by section 409 (c) presents a somewhat more complex problem. In providing for the so-called "treble damage" action, section 409 (c) states that the amount of any judgment rendered "shall be the amount of the overcharge if the defendant proves that the violation of the regulation or order in question was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation." The clear Congressional intent is that only if the seller can make such a showing is the full measure of the treble damage claim to be mitigated as indicated; and that, even upon such a showing, the seller is to be required to repay the amount of the overcharge thus innocently received.

It is therefore reasonable to infer that the entry of judgment for an amount

not in excess of the overcharge is based upon a finding, by court or jury, that such violation was neither willful nor the result of failure to take practicable precautions against the occurrence thereof. In the decisions above referred to, the courts ruled that payments of this kind were deductible for tax purposes. The provisions of this order conform to such judicial determinations.

On the other hand, the entry of a judgment in an amount exceeding the amount of the overcharge or overcharges should reflect a finding (or at least a failure of proof to the contrary) that the violation was attributable, in some degree, either to willfulness or to a failure by the seller to take practicable precautions to avoid the violation. The reasons which dictate the disallowance, for tax or other purposes, of fines paid consequent to criminal proceedings under section 409 (c) apply with equal force to payments made in satisfaction of such judgments. To permit such a payment, even that portion thereof which represents simply the amount of the overcharge, to be treated as a legitimate business expense would, by permitting the violator to gain a tax or similar benefit from any portion of such payment, greatly mitigate the sanction which was intended to be imposed by section 409 (c) of the Act. This position is supported by court decisions. This order, therefore, provides that any such payments, whether made to the United States or to the buyer, shall be wholly disregarded by the executive departments and other governmental agencies in determining the violator's costs or expenses for the purposes of any other law or regulation.

In practice, most of such "treble damage" claims against sellers are disposed of by settlements with the United States. The criteria formulated by the OPS Office of Enforcement for the compromise settlement of such matters reflect the provisions of section 409 (c) above described. Consequently, the effecting of a settlement of such a claim for simply the amount of the overcharge or overcharges indicates a finding by OPS that the violation involved was neither willful nor the result of the seller's failure to take practicable precautions against the occurrence thereof. And, similarly, the effecting of a settlement for more than the overcharge or overcharges indicates that such a finding could not be made. The considerations discussed above therefore apply as well in the case of such settlements and, accordingly, this order provides that all payments resulting from settlements with the United States, including any payments made to the buyer as a result of such settlements, shall be wholly disregarded by the executive departments and other governmental agencies in determining the violator's costs or expenses for the purposes of any other law or regulation except where the settlement is simply for the amount of the overcharge.

In the formulation of this order special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Payments to be disregarded.
3. Reports by OPS.
4. Applicability of this order to past as well as future payments.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this order does.* This order prescribes the extent to which any payment by a seller made by way of fine pursuant to section 409 (b) of the Defense Production Act of 1950, as amended (hereinafter referred to as the "act"), or any payment by a seller made to the United States or to any buyer in compromise or satisfaction of any liability or of any right of action, suit or judgment, authorized pursuant to section 409 (c) of said act for selling any material or service in violation of a regulation or order providing a ceiling or ceilings, shall be disregarded by the executive departments and other governmental agencies in determining, for the purposes of any other law or regulation, the costs or expenses of any person so in violation.

SEC. 2. *Payments to be disregarded.* The following payments shall be wholly disregarded by the executive departments and other governmental agencies in determining, for the purposes of any other law or regulation, the costs or expenses of any person making such payment:

(a) Any payment made by way of fine pursuant to section 409 (b) of the act shall be wholly disregarded.

(b) Any payment made to the United States or to any buyer in compromise or satisfaction of any liability or of any right of action, suit, or judgment, authorized pursuant to section 409 (c) of the act, for selling any material or service in violation of a regulation or order providing a ceiling or ceilings, shall be wholly disregarded: *Provided, however,* That the amount so paid to the United States or to any buyer shall not be disregarded for any purposes or to any extent if the total of the amount so paid (exclusive of attorney's fees, court costs or interest, if any) does not exceed the total amount of the overcharge or overcharges upon which such liability, right of action, suit, or judgment was based. If, in connection with the entry of any such judgment or the effecting of any such compromise, there shall be clear and express indication that only a portion of the violations so reflected were attributable, in any degree, either to willfulness or failure to take practicable precautions, then only that portion of the amount of any payment made pursuant to such judgment or compromise as may be so specified shall be disregarded.

(c) If any matter involving a violation of any such regulation or order providing a ceiling or ceilings shall finally have been disposed of, by way of settlement or suit, in such a manner as to require payments both to the United States and to a buyer or buyers and if the amount of such payments shall, in the aggregate, exceed the amount of the overcharge or overcharges involved, the total amount of such payments shall be wholly disregarded.

(d) If in any matter involving a violation of an order or regulation providing a ceiling or ceilings, there has been or shall have been instituted a criminal proceeding pursuant to section 409 (b) of the act as well as the institution or the assertion of a claim, by either the United States or by any buyer, pursuant to section 409 (c) of the act, and if the violating seller has been or shall be adjudged guilty in such criminal proceeding, the amount of any payment made in connection with the disposition of any such claim under section 409 (c) of the act (as well as the amount of any fine which may be assessed and paid in such criminal proceeding) shall be wholly disregarded.

(e) If any payment made pursuant to the provisions of section 409 (c) is a partial payment on account of a total liability fixed by compromise or judgment, such partial payment shall be disregarded if the total amount of such liability, if it had been paid in one sum, would have been disregarded under the criteria hereinabove stated.

SEC. 3. *Reports by OPS.* The Director of Enforcement of the Office of Price Stabilization or such person or persons as may be designated by him are hereby authorized to and, pursuant to procedures to be promulgated by the Director of Enforcement, shall forward to the Commissioner of Internal Revenue and to all other appropriate governmental agencies, a statement indicating any payment of the kind above described which, pursuant to the foregoing provisions of this order, should be disregarded by the executive departments and other governmental agencies for the purposes above indicated.

SEC. 4. *Applicability of this order to past as well as future payments.* The provisions of this order shall apply to all payments of the kind above described which have been made prior to the effective date of this order, and after April 5, 1952, as well as to payments made on or after such effective date.

Effective date. This order shall become effective as of October 24, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 3, 1952.

Approved: October 24, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11906; Filed, Nov. 3, 1952; 12:02 p. m.]

[Price Procedural Regulation 1, Revision 2, Amdt. 1]

PPR 1—GENERAL PRICE PROCEDURES

COMPULSORY ORDERS TO OBTAIN INFORMATION FOR INCORPORATION IN THE RECORD OF PROTEST PROCEEDINGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order

10161, and Economic Stabilization Agency General Orders Nos. 2 and 5, this amendment to Price Procedural Regulation 1, Revision 2, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment clarifies sections 66 and 67 (b) of the regulation with respect to the methods by which the Director of Price Stabilization may obtain material to be incorporated into the record of protest proceedings. It also adds a new section relating to compulsory orders issued by the Director under sections 66 or 67 (b). This amendment applies to protest proceedings instituted prior to the effective date of this amendment, as well as to those instituted on or after that date.

Section 66 authorizes the Director to incorporate into the record of any protest proceeding evidence in support of the provisions against which the protest is filed. Section 67 (b) authorizes the Director to incorporate into the record of protest proceedings statements submitted in support of the provisions of the regulation or order protested. This amendment clarifies these sections by adding language to state explicitly that such evidence and information may be obtained by voluntary methods such as orders providing an opportunity to present further evidence, or by compulsory methods such as subpenas, interrogatories, and similar orders issued pursuant to the authority of section 705 (a) of the Defense Production Act of 1950, as amended.

In addition, a new section 105 is added to the regulation concerning compulsory orders issued by the Director under sections 66 or 67 (b). It is required that every such order shall contain a statement setting forth the scope and purpose of the order. Such an order shall be issued only after a determination that the evidence sought is not available from any Federal or other responsible agency. Persons subject to such orders are provided an opportunity to file a motion to modify or vacate the order within fifteen days after the receipt of the order. Such a motion must be in affidavit form and must detail the objections to the order and the grounds upon which its vacation or modification is sought. The Director will grant or deny the motion within a reasonable time.

The new section 105 also specifies the procedure to be followed when the privilege against self-incrimination and the right to immunity are sought by a person subject to a compulsory order.

Section 705 (b) of the act provides:

> No person shall be excused from complying with any requirement under this section or from attending and testifying or from producing books, papers, documents, and other evidence in obedience to a subpena before any grand jury or in any court or administrative proceeding based upon or growing out of any alleged violation of this Act on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture in any court, for or on account of any transaction, matter, or thing concerning which he is so compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such natural person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying: * * *

Pursuant to the language of section 705 (b) which states that no person shall be prosecuted for any transaction, matter, etc., which he is compelled to produce by a compulsory administrative order "after having claimed his privilege against self-incrimination," this new section provides that, to obtain immunity, any person subject to such order must first refuse to comply with the order and claim the privilege. He may not claim the privilege and claim the right to immunity at the same time as he complies with the order. The Director must first be granted an opportunity to decide whether he will require that the order be complied with and thereby grant the right to immunity or whether he will not proceed further in requiring the response.

Because of the wide coverage of this procedural regulation and the nature of its provisions, the Director has found it impracticable to consult formally with industry or trade association representatives.

AMENDATORY PROVISIONS

1. Section 66 of Price Procedural Regulation 1, Revision 2, is amended by the addition of the following sentences to begin immediately following the end of the first sentence of the section: "The Director may obtain such evidence from the protestants or any other persons by the use of voluntary methods, such as orders providing an opportunity to present further evidence, and similar orders. He may also obtain such evidence by the use of compulsory methods, such as subpenas, interrogatories and similar orders."

2. Section 67 (b) is amended by the addition of the following sentences to follow immediately after the end of the first sentence of that section: "The Director may obtain such evidence from the protestant or any other persons by the use of voluntary methods, such as orders providing an opportunity to present further evidence, and similar orders. He may also obtain such evidence by the use of compulsory methods, such as subpenas, interrogatories and similar orders."

3. Sections 105, 106, 107, 108, 109, and 110 are renumbered and redesignated as sections 106, 107, 108, 109, 110, and 111, respectively. The following new section is added and is designated as section 105:

SEC. 105. *Compulsory orders: Issuance; motions to modify or vacate; self-incrimination and immunity; violations.* This section applies to subpenas, interrogatories or similar compulsory orders of the Director issued under section 66 or 67 (b) of this regulation.

(a) *Issuance.* Every compulsory order, such as an interrogatory, subpena, etc., issued under sections 66 and 67 (b) shall set forth its scope and the purpose for its issuance. Such orders shall be utilized only if the data sought is not available in adequate and authoritative form from any federal or other responsible agency and shall contain a statement that such data is not so available.

(b) *Motions to modify or vacate.* Any person subject to such order may file with the Recording Secretary of the Office of Price Stabilization a motion to modify or vacate the order. Such motion must be filed no later than fifteen (15) days after the date of his receipt of the order, unless this period is extended by order of the Director, for cause shown. Such motion shall be in affidavit form and shall set forth in detail the objections to the order and the grounds upon which its modification or vacation is sought. Within a reasonable time after receipt of this motion, the Director shall issue an order granting or denying the motion.

(c) *Self-incrimination and immunity.* Persons subject to such orders may, under the provisions of section 705 (b) of the Defense Production Act of 1950, as amended, claim their constitutional privilege against self-incrimination, and seek immunity from prosecution if the privilege is legally existent and applicable, only by complying with the following procedures:

(1) Within the time for response set forth in such order, the person to whom the order is addressed must file a statement with the Recording Secretary of the Office of Price Stabilization to the effect that response to the order or any portion thereof is refused on the grounds that such response might incriminate such person.

(2) Upon the filing of such a statement, such order insofar as it applies to the person filing such statement, is automatically suspended.

(3) The Director will then advise within a reasonable time whether such order is reinstated and thereby immunity granted to such person and the refusal to answer rejected, or whether the Director will accept the refusal and will not proceed further in requiring the response.

(4) Any person to whom such order is directed may not comply therewith and at the same time claim the privilege against self-incrimination or immunity. Any such response and simultaneous claim of privilege or immunity will be considered a voluntary response and a waiver of the privilege of self-incrimination and a rejection of immunity.

(d) *Violations.* Failure to comply with orders covered by this section will render the violator subject to the penalties outlined in sections 705 and 706 of the Defense Production Act of 1950, as amended. In addition, if the violator has filed a protest, other action such as the denial of the violator's protest may be taken where, in the judgment of the Director, such action is deemed reasonable and appropriate.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 3, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 3, 1952.

[F. R. Doc. 52-11907; Filed, Nov. 3, 1952; 12:02 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 2, Revised]

INT. 2—CHRISTMAS AND YEAR-END BONUSES

This interpretation, issued pursuant to a resolution of the Salary Stabilization Board, applies to the payment of Christmas and year-end bonuses not directly related to profits paid by companies which had a practice of paying such bonuses in 1950. Such bonuses are permissible under the salary stabilization regulations to the extent set forth in this interpretation. If Christmas or year-end bonuses are paid under this interpretation, bonuses of a similar nature paid in prior years may not be included as part of the "base period bonus fund" authorized by the Bonus Regulation (General Salary Stabilization Regulation 2, as amended).

1. Q. A company in 1950 paid a week's salary to each of its employees as a Christmas or year-end bonus. Payment of the bonus was not directly related to the company's profits. May the practice be continued in any year?

A. Yes. However, the employer must follow his 1950 practice as to the groups of employees among whom such bonuses were paid and may not pay such bonuses to a group of employees to whom such bonuses were not paid in 1950. If the practice was to pay a stated portion of salary, the employer may pay the same portion but no more. If the practice was to pay a specific sum, the same sum may be paid.

2. Q. If the salary of an employee has increased since 1950 may his Christmas or year-end bonus be based upon the increased salary?

A. Yes; provided, of course, that the increase did not violate salary stabilization regulations.

3. Q. A company had a practice in effect in 1950 of paying 2 percent of annual earnings as Christmas bonuses. May it pay such Christmas bonuses in any year based upon 2 percent of annual earnings?

A. Only subject to the limitations and provisions of the Bonus Regulation. Such a bonus is directly related to profits and is not covered by this interpretation.

4. Q. A company's practice in 1950 was to pay as a Christmas or year-end bonus 1 percent of salaries to employees with one year of service and an additional 1 percent of salaries for each additional year of service. May the same practice be followed in any year?

A. Yes.

5. Q. Upon the facts stated in the foregoing questions, may Christmas or year-end bonuses be paid to a new employee?

A. Yes; provided Christmas or year-end bonuses were paid in 1950 to new employees in the group into which the particular employee is hired.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.)

Approved by the Office of Salary Stabilization, October 30, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-11869; Filed, Oct. 31, 1952; 3:04 p. m.]

[Interpretation 15, Amdt. 1]

INT. 15—EXCLUSION FROM SALARY STABILIZATION OF CERTIFIED PUBLIC ACCOUNTANTS EMPLOYED IN A PROFESSIONAL CAPACITY

CERTIFICATE TO PRACTICE

The purpose of this amendment to Interpretation 15 is to define the extent to which certified public accountants employed in a professional capacity by a firm of certified public accountants are excluded from salary stabilization under section 402 (e) (ii) of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISION

1. Paragraph 1 is amended to read as follows:

1. *Certified public accountants licensed to practice as such.* To be exempt, an accountant must have a certificate to practice as a certified public accountant in a State, Territory, or possession of the United States or in the District of Columbia.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, October 31, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-11868; Filed, Oct. 31, 1952; 3:03 p. m.]

[General Salary Order 14]

GSO 14—EXEMPTION OF EMPLOYEES IN THE PRIBILOF ISLANDS

SUPERSEDURE

CROSS REFERENCE: For supersedure of General Salary Order 14, see General Salary Stabilization Regulation 1, Amended, Amdt. 2, *infra*.

[General Salary Order 15]

GSO 15—CHRISTMAS OR YEAR-END BONUSES NOT EXCEEDING $40 IN VALUE

STATEMENT OF CONSIDERATIONS

The purpose of this order is to authorize the payment of "Christmas or year-end bonuses," not exceeding $40 in value, by employers whether or not a similar distribution was made in prior years.

ORDER

Christmas or year-end distributions not exceeding $40. An employer may distribute, at Christmas or the year-end, to any of his employees subject to the jurisdiction of the Salary Stabilization Board an amount, either in cash or in kind, not exceeding $40, even though no similar distribution was made in any previous year. Such a distribution shall not be considered salary or bonus for the purpose of any salary stabilization regulation.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, September 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.)

By order of the Salary Stabilization Board, October 30, 1952.

JUSTIN MILLER,
Chairman.

Approved:

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11867; Filed, Oct. 31, 1952; 3:03 p. m.]

[General Salary Stabilization Regulation 1, Amended, Amdt. 2]

GSSR 1—STABILIZATION AND GENERAL ADJUSTMENTS OF SALARIES AND OTHER COMPENSATION

STATEMENT OF CONSIDERATIONS

The Office of Salary Stabilization has previously exempted from salary stabilization employees who are bona fide residents of and actually employed in Puerto Rico, the Virgin Islands, the Panama Canal Zone, or the Pribilof Islands for the reasons set forth in the statements of considerations of superseded General Salary Orders 2 and 3 (now superseded by section 3 (h) of General Salary Stabilization Regulation 1, Amended), as well as General Salary Order 14 (to be superseded by this amendment).

The Wage Stabilization Board has by General Wage Regulation Nos. 16 and 16A, Revised, extended the exemption from wage stabilization to employees in all United States territories (except Hawaii and Alaska), possessions, trust territories, off-shore bases and militarily occupied areas. The major part of the employment in the additional areas exempted arises from the needs of various government agencies, and of contractors with these agencies. It is estimated that between 4,000 and 5,000 persons recruited from the United States are currently engaged on construction projects in the areas under consideration. Other types of civilian employment are negligible in these areas.

Official data indicate that the employment needs of such projects do not interfere with employment in the construction industry in the continental United States, Alaska and Hawaii; and it is the judgment of the Construction Industry Commission and Wage Stabilization Board, that this exemption will not have an unstabilizing effect upon construction rates in the continental United States under present circumstances. In the judgment of the Wage Stabilization Board, there would follow no unstabilizing effect from exempting also the extremely small number of other civilian employees in the areas to which the exemption is now being extended.

After considering the foregoing, the Salary Stabilization Board on the merits has found that the application of salary stabilization to employees in the areas covered by this amendment is unnecessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. This amendment is therefore issued to permit such exemption.

In the formulation of this amendment, due consideration has been given to the standards and procedures set forth in Titles IV and VII of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Section 3 (h) of General Salary Stabilization Regulation 1, Amended, is amended to read as follows:

(h) Employees who are bona fide residents of and actually employed in any territory (except Hawaii and Alaska apart from the Pribilof Islands), possession, trust territory or off-shore base of the United States or in any area occupied by the Armed Forces of the United States.

2. General Salary Order 14 is superseded as of the effective date of this amendment.

3. The amendment shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Adopted by the Salary Stabilization Board, October 30, 1952.

JUSTIN MILLER,
Chairman.

Approved: October 30, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11896; Filed, Nov. 3, 1952; 10:27 a. m.]

Subchapter B—Wage Stabilization Board

[General Wage Regulation 14, Amdt. 4]

GWR 14—BONUSES

1952 CHRISTMAS OR YEAR-END BONUS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, and Pub. Law 429, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10377 (17 F. R. 6891), and Executive Order 10390 (17 F. R. 7995), and General Order No. 16, Economic Stabilization Administrator (17 F. R. 6925), the Wage Stabilization Board has formulated and recommended to the Economic Stabilization Administrator, for promulgation, and the Administrator has promulgated this amendment to General Wage Regulation No. 14 relating to 1952 Christmas or year-end bonuses.

REGULATORY PROVISIONS

Section 5 (b) of General Wage Regulation 14, as amended, is hereby further amended to read as follows:

(b) Any employer, without prior Board approval, may pay any of his employees a 1952 Christmas or year-end bonus either in cash or in kind not exceeding $40.00 in value, even though a lesser bonus or no bonus was paid in the preceding bonus year. Such bonus payments need not be offset against the amount permissible under any other regulation or resolution. If a Christmas or year-end bonus greater than $40.00 was paid in the preceding bonus year, such bonus may continue to be paid subject to the provisions of this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10390, 17 F. R. 7995)

ROGER L. PUTNAM,
Economic Stabilization Administrator.

OCTOBER 28, 1952.

[F. R. Doc. 52-11865; Filed, Oct. 31, 1952; 3:03 p. m.]

[General Wage Regulation 16, Revision]

GWR 16—EXEMPTIONS FOR GEOGRAPHIC AREAS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Laws 96 and 429, 82d Cong.), Executive Orders 10161 (15 F. R. 6105) and 10377 (17 F. R. 6891) and General Order No. 16, Economic Stabilization Administrator (16 F. R. 6925), this revision of General Wage Regulation 16 and supersedure of General Wage Regulation 16A is hereby promulgated.

STATEMENT OF CONSIDERATIONS

General Wage Regulation No. 16 exempted from wage stabilization regulations employees in Puerto Rico and the Virgin Islands. General Wage Regulation No. 16A exempted from wage stabilization regulations employees in the Panama Canal Zone. The purpose of this revision is to extend the exemption from wage stabilization regulations to employees in all United States territories (except Alaska and Hawaii), possessions, trust territories, off-shore bases, and militarily occupied areas.

In additional areas which this revision exempts from wage stabilization regulations, the major part of the employment arises from the needs of various government agencies, primarily the Army, Navy, Air Force and the Atomic Energy Commission, and of contractors with these agencies. Most of the employment involved is on construction projects. These agencies and contractors generally recruit their unskilled labor from the local areas and their skilled and semi-skilled labor from the United States, and, in some cases, from Hawaii. It is estimated that approximately 4,000 persons recruited from the United States are currently engaged on construction projects in the areas under consideration. Other types of civilian employment are negligible in these areas.

Although each governmental agency concerned has its own independent procedure for establishing wage rates on overseas projects, the wage rates for the particular skill involved are, in general, based on the prevailing rates in the area in which workers are recruited or on the national average of going rates in all the areas in which recruiting is done for the skill involved. In addition, various forms of bonuses or incentive differentials are given.

Data made available by the Bureau of Employment Security indicates that, in general, the present supply of manpower in the construction industry is sufficient to meet the current modest needs of overseas projects with little interference with mainland construction, and in the judgment of the Construction Industry Stabilization Commission, in which the Wage Stabilization Board concurs, this exemption will not have an unstabilizing effect upon construction rates in the continental United States under present circumstances.

In the Board's judgment also no unstabilizing effect will follow from also exempting the extremely small number of other civilian employees in the areas to which the exemption is now being extended.

In view of the foregoing considerations, it is the unanimous judgment of the Board that, under the present circumstances, continued application of wage stabilization regulations to employees in areas covered by this revised Regulation is unnecessary to effectuate the purposes of the Defense Production Act of 1950, as amended. The Wage Stabilization Board has accordingly recommended that the Administrator supersede Regulation 16A and promulgate this revised Regulation 16.

The Administrator concurs in the judgment of the Wage Stabilization Board and hereby promulgates this revised Regulation 16 and supersedure of Regulation 16A. Due consideration has been given to the standards and procedures of Titles IV and VII of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

SEC. 1. *Exemption.* The wages, salaries and other compensation of employees in the U. S. territories (except Alaska and Hawaii), possessions, trust territories, off-shore bases, and militarily occupied areas are exempted from wage stabilization regulations.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended, 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, 15 F. R. 6105, E. O. 10377, 17 F. R. 6891)

Effective date. This revision of GWR 16 and supersedure of GWR 16A is effective upon publication in the FEDERAL REGISTER.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11866; Filed, Oct. 31, 1952; 3:03 p. m.]

[General Wage Regulation 16A]

GWR 16A—EXEMPTION FOR PANAMA CANAL ZONE

SUPERSEDURE

CROSS REFERENCE: For supersedure of General Wage Regulation 16A, see General Wage Regulation 16, Revision, *supra.*

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 16 as Amended Nov. 3, 1952]

CMP Reg. 1—Basic Rules of the Controlled Materials Plan

Dir. 16—Third and Fourth Quarter Authorized Controlled Material Orders

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

EXPLANATORY

Direction 16, as last amended August 29, 1952, to CMP Regulation No. 1 is further amended by revising sections 3 and 4 thereof.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Third quarter authorized controlled material orders.
3. Fourth quarter authorized controlled material orders.
4. Applicability of other regulations and orders.

Authority: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

Section 1. *What this direction does.* The purpose of this direction is to permit the placement and acceptance of certain third quarter 1952 and fourth quarter 1952 authorized controlled material orders even though they call for delivery after the end of such quarters.

Sec. 2. *Third quarter authorized controlled material orders.* (a) The provisions of this section apply to all authorized controlled material orders for the third calendar quarter of 1952 which are placed on and after the effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the third calendar quarter of 1952 which contains the quarterly identification 3Q52, or an authorized controlled material order for steel placed pursuant to self-authorization (for example, Direction 1 to CMP Regulation No. 1) or quota (for example, CMP Regulation No. 5) for the third calendar quarter of 1952 which does not contain a quarterly identification, may call for delivery at any time up to November 30, 1952: *Provided, however,* That such order is placed pursuant to lead time requirements. A steel controlled materials producer or a steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 3Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, shall accept and fill such order in preference to an authorized controlled material order which bears the quarterly identification 4Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, notwithstanding the sequence of order placement.

Sec. 3. *Fourth quarter authorized controlled material orders.* (a) The provisions of this section apply only to authorized controlled material orders for the fourth calendar quarter of 1952 which do not bear a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2, and which are placed on and after July 29, 1952, the original effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the fourth calendar quarter of 1952 which contains the quarterly identification 4Q52, or an authorized controlled material order for steel placed pursuant to self-authorization (for example, Direction 1 to CMP Regulation No. 1) or quota (for example, CMP Regulation No. 5) for the fourth calendar quarter of 1952 which does not contain a quarterly identification, may call for delivery at any time from October 1, 1952, to February 28, 1953.

(c) A steel controlled materials producer who, during the 15-day period immediately preceding the commencement of the lead time for January 1953, receives an authorized controlled material order for steel which bears the quarterly identification 4Q52 and which calls for delivery during January 1953 shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery during January 1953, notwithstanding the sequence of order placement. A steel controlled materials producer who, between November 17, 1952, and November 28, 1952, receives an authorized controlled material order for an item of steel with a lead time of 45 or 60 days, which order bears the quarterly identification 4Q52 and calls for delivery during February 1953, shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery during February 1953, notwithstanding the sequence of order placement. Authorized controlled material orders for steel which bear the quarterly identification 4Q52 and which call for delivery between January 1, 1953, and February 28, 1953, but which are not placed during the periods specified in the preceding two sentences, shall have equal preferential status at the mill level with authorized controlled material orders for steel which bear the quarterly identification 1Q53. Orders which bear the quarterly identification 1Q53 and which are replaced in mill schedules for January or February 1953 by orders which bear the quarterly identification 4Q52 shall be rescheduled for delivery at the earliest date possible.

(d) A steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 4Q52 and which calls for delivery between January 1, 1953, and February 28, 1953, shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery between January 1, 1953, and February 28, 1953, notwithstanding the sequence of order placement.

Sec. 4. *Applicability of other regulations and orders.* The provisions of CMP Regulations Nos. 1 and 4, Revised CMP Regulation No. 6, NPA Orders M–1 and M–6A, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect. Section 8 of NPA Order M–1 gives steel controlled materials producers the option to determine which authorized controlled material orders not bearing a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2, they will accept and schedule prior to the 15-day period immediately preceding the commencement of the lead time. This option shall be superseded by section 3 (c) of this direction only with respect to the placement between November 17, 1952, and November 28, 1952, of authorized controlled material orders for items of steel with a lead time of 45 or 60 days which bear the quarterly identification 4Q52 and which call for delivery during February 1953. This direction does not supersede the provisions of section 8 (a) (2) of NPA Order M–1, which limits the quantity of orders which steel controlled material producers may accept for shipment during any one month.

This direction as amended shall take effect November 3, 1952.

National Production Authority,
By George W. Auxier,
Executive Secretary.

[F. R. Doc. 52–11901; Filed, Nov. 3, 1952; 11:36 a. m.]

TITLE 47—TELECOMMUNICATIONS

Chapter I—Federal Communications Commission

[Docket No. 10221]

Part 3—Radio Broadcast Services

Miscellaneous Amendments

In the matter of amendment of Subpart A, Part 3 of the Commission's rules, sections 1 and 9 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, and of title of said standards, to provide for the incorporation of the frequency 540 kilocycles in the standard broadcast band; Docket No. 10221.

1. These proceedings were instituted by a notice of proposed rule making issued by the Commission on June 18, 1952, in the above-entitled matter. The purpose of the proposed amendments is to make the frequency 540 kc available for domestic use in the broadcast service.

2. The Atlantic City Radio Regulations, among other things, provided that the frequency band 535–550 kc might be included in the broadcast band in Region 2 (which includes the North American Region) on or after January 1, 1949, in accordance with special arrangements between countries in the Region. No agreement was reached by that date for a new assignment plan for the fixed and mobile radio services operating within the band 415–545 kc. However, as a result of the Extraordinary Administrative Radio Conference, Geneva, 1951, agreement was reached for the implementation of a considerable portion of the frequency allocation table below 4000 kc; and, with respect to the broadcast use of 540 kc, agreement was reached for the reassignment of the fixed and mobile radio stations operating in the band 535–550 kc. The Agreement brings into force on December 1, 1952, the provisions for use of the band of frequencies 535–1605 kc—made in the Atlantic City Radio Regulations.

3. The Commission's notice of proposed rule making in these proceedings provided that interested persons could file comments thereon until July 28, 1952. It was further provided that comments or briefs in reply to the original comments could be filed within 10 days from that date. Comments were filed by three parties: The National Association of Radio and Television Broadcasters and Midland Broadcasting Company, Kansas City, Missouri (KMBC and KFRM) and the National Federation of American Shipping.

4. In its comments the National Association of Radio and Television Broadcasters stated that:

> The Association takes cognizance of the proximity of 540 kilocycles to the frequencies used in other radio services, such as the Government and marine services. As stated by the Commission in its Public Notice 77020, June 18, 1952, the marine services have been on notice since 1947 that 540 kilocyles was intended for broadcast purposes. In view of the fact that this five-year period is ample time in which to take necessary action in preparation for the use of 540 kilocycles for broadcast purposes, and since the Safety of Life at Sea Convention, which comes into force next November (the month proceeding the date set by the E. A. R. C. for bringing into force the broadcast band 535–1605), provides higher standards for shipboard auto-alarms, the Association respectfully submits that no meritorious objections to the use of 540 kilocycles for broadcast purposes could be made by these services.

It was also stated by the Association that the frequency 540 kc is subject to U. S. 27, NG 24 and AR 4 [1] which appear in Columns 7 and 6 (a) of the Table of Frequency Allocations, § 2.104 (a) of the Commission's rules, and that it would be "appropriate to reference those footnotes also in the listing of 540 kc in § 3.25 (c) of the rules."

5. In its comments Midland Broadcasting Company stated that:

> The proposal of the Commission to provide for the use of 540 kilocycles as a Class II channel is eminently suited to the best utilization of the frequency to areas of the United States still without primary broadcast service. By permitting the use of the frequency with powers of 250 watts to 50 kilowatts sufficient flexibility is provided to permit of the variable use of the frequencies in ways best suited to the needs of such unserved areas.

6. The National Federation of American Shipping filed a comment in which it stated that in view of the possible interference to ship autoalarm by broadcasting stations operating on 540 kc that the provisions of footnotes AR 4 and U. S. 27, referred to above "* * * * continue to be carried in the frequency allocations table and that appropriate examination of the interference factor be considered by FCC prior to the granting of each or any specific authorization for broadcasting on the frequency 540 kc."

7. On August 8, 1952, the National Association of Radio and Television Broadcasters filed a reply to the comments of the National Federation of American Shipping.[2] In the reply it was stated that in view of European operation on 529 kc without intolerable interference to marine radio services and in view of the significant engineering advances made in the last decade, it is unlikely that standard broadcast operation on 540 kc will create a menace to the safety of life and property at sea.

8. None of the parties to this proceeding has raised any objection to the proposal to make the frequency 540 kc available for domestic use in the broadcast service, provided such use is subject to the provisions of AR4, U. S. 27, and N. G. 24, as set forth above. And it is our view that there is no objection to the use of the frequency for this purpose subject to the foregoing condition. We are of the opinion, therefore, that the amendments proposed in the notice of proposed rule making in this proceeding should be adopted as modified by the addition of the suggested footnote.

9. It is therefore ordered that effective 30 days after publication in the FEDERAL REGISTER, Part 3 of the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations (550–1600 kc) is amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303. Interprets or applies sec. 307, 48 Stat. 1084, 47 U. S. C. 307)

Adopted: October 23, 1952.

Released: October 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Sections 3.1, 3.2, and 3.3 are amended to read as follows

1. Sections 3.1, 3.2, and 3.3 of the Commission's rules and regulations are amended to read as follows:

§ 3.1 *Standard broadcast station.* The term "standard broadcast station" means a broadcasting station licensed for the transmission of radiotelephone emissions primarily intended to be received by the general public and operated on a channel in the band 535–1605 kilocycles.

§ 3.2 *Standard broadcast band.* The term "standard broadcast band" means the band of frequencies extending from 535 to 1605 kilocycles.

§ 3.3 *Standard broadcast channel.* The term "standard broadcast channel" means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. The 107 carrier frequencies assigned to standard broadcast stations shall begin at 540 kilocycles and be in successive steps of 10 kilocycles.

2. Section 3.25 (c) is amended to read as follows:

§ 3.25 *Clear channels: Class I and II stations.* * * *

(c) For Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on the Canadian border and provided that such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest Canadian border, 540,[4] 690, 740, 860, 990, 1010,[5] and 1580 kilocycles.

3. The Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations (550–1600 kc) are amended as follows:

a. The title is amended to read: "Standards of Good Engineering Practice Concerning Standard Broadcast Stations (535–1605 kc)."

b. In section 1 *Engineering standards of allocation* the first sentence of the second paragraph to read as follows: "Sections 3.21 to 3.34, inclusive, govern allocation of facilities in the standard broadcast band of 535 to 1605 kc."

c. In section 9 *Requirements for approval of power rating of vacuum tubes,* subparagraph (2) of paragraph 4 is

[1] AR 4. In order to do everything possible to protect the safety of life at sea and in the air, broadcasting stations, particularly those assigned the frequency 540 kc shall not cause harmful interference to the services which utilize the international distress and calling frequency 500 kc. Broadcasting stations shall use frequencies so separated from the limits of this band as not to cause harmful interference to the services to which the frequency bands immediately adjoining are allocated. U. S. 27. The use of the frequency 540 kc is subject to the conditions that no harmful interference is caused to the service operating on 500 kc and in the band 510–535 kc NG24. For conditions which apply to the use of this band, refer to the North American Regional Broadcasting Agreement.

[2] The reply filed on August 8, 1952, by the National Association of Radio and Television Broadcasters was submitted one day subsequent to the expiration of the time allocated by the Commission for the submission of such replies. It filed therewith a petition requesting an extension of time for the submission of its reply in these proceedings. This request is granted and the reply is accepted.

[4] See § 2.104 (a).

[5] A station on 1010 kilocycles shall also protect a Class 1–B station at Havana, Cuba.

amended to read as follows: "On the frequencies 535 to 1605 kc in the standard broadcast band."

[F. R. Doc. 52-11792; Filed, Nov. 3, 1952; 8:45 a. m.]

[Docket No. 10314]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast station; Docket 10314.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 52-986) issued in the above-entitled proceeding on September 2, 1952, proposing the amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations, so as to assign Channel 4 to Irwin, Pennsylvania.[1] Since the assignment of Channel 4 to Irwin, Pennsylvania, would require changes of the offset carrier designations of other assignments, other changes in the Table of Assignments, § 3.606 of the rules were also proposed. The Table of Assignments, § 3.606 was proposed to be amended to read as follows:

City	Channel number
District of Columbia: Washington	4−, 5, 7+, 9−, 20+, *26−.
Ohio: Columbus	4−, 6+, 10+, *24, 40−.
Pennsylvania: Irwin	4+.

2. The Commission's proposed rule making provided that comments or briefs either opposing or supporting the proposed changes in the Table of Assignments could be filed on or before September 19, 1952, and that comments and briefs in reply could be filed within 10 days from the last date for filing original comments or briefs.

3. Allegheny Broadcasting Corporation, Pittsburgh, Pennsylvania, and Mon-Yough Broadcasting Company, McKeesport, Pennsylvania, filed timely comments supporting the proposed amendments of the Assignment Table. In these comments it was asserted that the assignment of Channel 4 to Irwin as proposed by the Commission would afford opportunity for greater television service to cities in the Pittsburgh metropolitan area; that the proposal is consistent with the objectives of sections 1 and 307 (b) of the Communications Act of 1934, as amended; that the proposal would cure the present inefficient utilization of spectrum space which now exists under the Commission's Table; and that the demand for local television facilities in cities other than Pittsburgh in the area requires the assignment of Channel 4 to Irwin as proposed.

4. WWSW, Inc., Pittsburgh, Pennsylvania, filed a timely comment, and thereafter a supplemental comment, opposing the proposed assignment of VHF Channel 4 to Irwin. The objections raised by WWSW, Inc., to the Notice of Proposed Rule Making in this proceeding are premised on the contention that VHF Channel 4 should be assigned to Pittsburgh or to Braddock. In the Sixth Report and Order (FCC 52-294) we denied counterproposals which requested the assignment of Channel 4 to these communities. Petitions for reconsideration of the denial of these counterproposals were filed by WCAE, Inc., and Matta Broadcasting Company.[2] In our Memorandum Opinion and Order (FCC 52-988) of September 2, 1952, the petition for reconsideration of WCAE, Inc., seeking assignment of Channel 4 to Pittsburgh, was denied. On the same date, we also issued a Memorandum Opinion (FCC 52-987) in which we pointed out that we were taking no action on the pending petition of Matta Broadcasting Company for reconsideration of our decision denying the requested assignment of Channel 4 to Braddock. We stated that:

> In the event that the proposal to assign Channel 4 to Irwin, Pa., is made final that channel will be available, in accordance with § 3.607 of the Rules, for application in the City of Braddock as well as other cities.

We believe that our decision denying the petition for reconsideration of WCAE, Inc., which requested the assignment of Channel 4 to Pittsburgh, and our decision deferring action on the petition for reconsideration of Matta Broadcasting Company which requested the assignment of Channel 4 to Braddock, are correct and we now reaffirm these decisions on the grounds stated therein.

5. The particular objections raised by WWSW, Inc., to the proposal to put Channel 4 in Irwin in this proceeding are without merit. Petitioner assumes that the assignment of Channel 4 to Braddock instead of to Irwin would constitute the assignment of that channel to Pittsburgh under the Commission's rules. Even were this assumption of petitioner correct, Channel 4 nevertheless could not be assigned to Braddock, in view of the resulting substandard separation to WLWC, Columbus, Ohio. Moreover, petitioner's assumption that the assignment of Channel 4 to Braddock would constitute an assignment of that channel to Pittsburgh rests upon a misconstruction of the Commission's rules. Section 3.607 (b) of the Commission's rules provides in part that "A channel assigned to a community listed in the Table is available upon application in any unlisted community which is located within 15 miles of the listed community." Thus, since Pittsburgh is within 15 miles of Braddock, the assignment of Channel 4 to Braddock would make that channel available as a Pittsburgh channel if no channels were assigned to Pittsburgh. However, since channels have been assigned to Pittsburgh and it is therefore a community "listed in the Table", the assignment of Channel 4 to Braddock would obviously not constitute an assignment of that channel to Pittsburgh under the "15 mile rule."

6. Petitioner also asserts that "Since the plain purpose of Mayor Lawrence's petition (pursuant to which the notice of proposed rule making to assign Channel 4 to Irwin was issued) is to increase television to the Pittsburgh area, the issue should be met directly and not in such a way as to make the Commission appear guilty of subterfuge." The charge that the Irwin assignment is a subterfuge is patently false. We recognize the desirability of additional service in the Pittsburgh area, but find that we cannot assign Channel 4 to Pittsburgh without violating the minimum cochannel assignment separation standards. The assignment of Channel 4 to Irwin complies with those standards, brings a first television station to that community, and, in addition, provides additional service to the Pittsburgh area. Our decision to assign Channel 4 to Irwin in order to achieve a more efficient utilization of the channel is not a subterfuge.

7. It is asserted by WWSW, Inc., that "* * * The Commission should not become involved in any contrivance which will give unmerited preference to Matta Broadcasting Company over other Pittsburgh area applicants. * * *" This contention is clearly ill-founded. The argument that Matta Broadcasting Company would receive an "unmerited preference" is presumably addressed to the question whether, and to what extent, local residence should constitute a basis for preference among competing applicants for television facilities. That question is not before us. We are concerned here only with the rule making question of assignment of channels in accordance with the Commission's separation standards and in accordance with good assignment principles. We are not concerned here with the bases for selecting among competing applicants in adjudicatory licensing proceedings.

8. In the Supplement to its comments WWSW, Inc., offers an additional argument designed to show that the assignment of Channel 4 to Irwin rather than Braddock would be erroneous. Petitioner recognizes that the assignment of Channel 4 to Braddock would not comply with the minimum co-channel assignment separations since Braddock is less than 170 miles from WLWC, Columbus, Ohio, to which Channel 4 is assigned.[3] WWSW, Inc., argues that since Crosley Broadcasting Corporation filed an application in which it proposed to operate Station WLWC with a tower height of 436 feet that "it is obvious that a reduction in height of only a few feet below the 1,000 feet permissible would make the allocation of Channel 4 to Braddock

[1] This notice of proposed rule making was published in the FEDERAL REGISTER on September 9, 1952 (17 F. R. 8125).

[2] WWSW, Inc., has not requested reconsideration of the Sixth Report and Order but has filed a petition for review with the Court of Appeals, Third Circuit.

[3] Crosley Broadcasting Corporation is licensee of WLWC, Columbus, Ohio, WLWT, Cincinnati, Ohio, and WLWD, Dayton, Ohio. In a letter dated September 17, 1952, the Commission advised the licensee that the operation of these stations proposed by Crosley in its applications to change channels in accordance with Commission show cause orders, and to increase power, appeared to result in overlaps of the stations' signals in contravention of the Commission's multiple ownership rules.

entirely within the Commission's standards as regarding interference." The Sixth Report and Order (FCC 52-294) and our Memorandum Opinion and Order (FCC 52-988) dated September 2, 1952, set forth the reasons for denying requests for operation with less than maximum height or power at substandard separations. The reasons there set forth are a full and adequate reply to the contention now raised by petitioner in this proceeding. Furthermore, it should be pointed out that petitioner's proposal would place a permanent limitation on the antenna height of a station operating on Channel 4 in Columbus. Such a limitation would frustrate one of the basic purposes intended to be served by the standards of heights and powers adopted in the Sixth Report. The standards there adopted were designed to permit the authorization of all stations to use maximum heights and powers in order to achieve wide service areas, consistent with a minimum of interference. The proposal of Crosley Broadcasting Corporation, at this time, to operate WLWC with an antenna height of 436 feet is neither a necessary nor a permanent limitation on the utilization of Channel 4. In any event the operation proposed by any applicant cannot and should not be relied upon to effect enduring limitations on the utilization of the channel by all potential licensees of the same facilities. The transitory questions presented by the immediate circumstances or inclinations of particular licensees should not be confused with basic problems presented by the establishment of a nation-wide Table of Assignments which will determine the course of television for the foreseeable future.

9. In view of the foregoing, it is ordered that, effective 30 days from the date of publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended to read as follows:

City	Channel number
District of Columbia: Washington	4-, 5, 7+, 9-, 20+, *26-,
Ohio: Columbus	4-, 6+, 10+, *34, 40-,
Pennsylvania: Irwin	4+.

By the Commission: Commissioners Webster, Hennock and Bartley not participating.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 50 Stat. 191, as amended; 47 U. S. C. 303)

Adopted: October 23, 1952.

Released: October 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11793; Filed, Nov. 3, 1952; 8:46 a. m.]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 8 of the Commission's rules for temporary implementation of the radio provisions of the Safety of Life at Sea Convention, London, 1948.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1952;

The Commission having under consideration the matter of amendment of Part 8 of its rules for the purpose of implementing the radio provisions of the Safety of Life at Sea Convention, London, 1948;

It appearing, that the Safety of Life at Sea Convention, London, 1948, will come into force on November 19, 1952, and on that date the radio provisions thereof will become applicable to certain United States ships; and

It further appearing, that substantial detailed changes in Part 8 of the Commission's rules, in addition to certain amendments heretofore proposed, are necessary for the purpose of clearly establishing radio requirements which, in accordance with the Convention, are to be determined by each Administration, and to incorporate the Convention requirements in the Commission's rules in an orderly manner; and

It further appearing, that a period of time beyond November 19, 1952, will be required to complete rule making procedures to incorporate the above-mentioned substantial changes in Part 8 of the Commission's rules; and

It further appearing, that it is necessary that certain minimum changes to the Commission's rules be made immediately for the temporary guidance of those who will be affected by the coming into force of the 1948 Convention and the Commission's inspection engineers; and

It further appearing, that the rule amendments herein ordered are temporary in nature and, for the most part, merely reflect the minimum provisions of the Safety of Life at Sea Convention, London, 1948; and

It further appearing, that in view of the foregoing it is impracticable to comply with the notice and public procedure provided by section 4 of the Administrative Procedures Act and for the same reason the amendments herein ordered may be made effective immediately:

It is ordered, That, effective immediately, and pursuant to the authority contained in section 303 (r) of the Communications Act of 1934, as amended, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 8.501 is amended to read as follows:

§ 8.501 *Inspection of installation.*[1] (a) In accordance with paragraph (a) of § 8.101 and pursuant to section 360 of the Communications Act, every ship of the United States, subject to Part II of Title III of the Communications Act, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. The issuance of an appropriate certificate[2] in behalf of any vessel of the United States concerning the radio particulars provided for in the Safety Convention is subject to a finding by the Commission that such vessel complies in an efficient manner with the applicable radio and communication provisions of that Convention or that, pursuant to the provisions of the Safety Convention, such vessel is exempt from those provisions of that Convention.

(b) In accordance with the Safety Convention, every ship of the United States holding a Safety Certificate, Safety Radiotelegraphy Certificate, Safety Radiotelephony Certificate or Exemption Certificate is subject when in a port of a foreign country which is a party to the Safety Convention, to control by officers duly authorized by the government of that country, insofar as that control is directed towards verifying that there is on board a valid convention certificate and, if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate.[4]

2. Amend footnote [4] to § 8.501 to read as follows:

[4] The privileges of the Convention may not be claimed in favor of any ship unless it holds appropriate valid certificates. In the event of control giving rise to intervention of any kind in a foreign port, the officer carrying out the control is required to notify the United States Consul in writing forthwith of all the circumstances in which intervention was deemed to be necessary.

3. Part 8 is amended by adding a new Subpart U to read as follows:

SUBPART U—TEMPORARY RULES TO GOVERN UNITED STATES SHIPS SUBJECT TO THE SAFETY OF LIFE AT SEA CONVENTION, LONDON, 1948

Sec.
8.701 Application of Subpart U.
8.702 Interior communications systems.
8.703 Radio station clock.
8.704 Spare antenna.
8.705 Separate emergency receiver.
8.706 Separate emergency power supply and transmitter.
8.707 Antenna connections.
8.708 Sensitivity of receivers.
8.709 Storage batteries.
8.710 Direction finder.
8.711 Radio log.
8.712 Convention certificates for cargo vessels of less than 1600 gross tons.

AUTHORITY: §§ 8.701 to 8.712 issued under sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART U—TEMPORARY RULES TO GOVERN UNITED STATES SHIPS SUBJECT TO THE SAFETY OF LIFE AT SEA CONVENTION, LONDON, 1948

§ 8.701 *Application of Subpart U.* A United States passenger vessel, or a United States cargo vessel of 1600 or more gross tons, subject to the radio re-

quirements of the Safety of Life at Sea Convention, London, 1948, shall be considered to meet those requirements if:

(a) It complies with the applicable requirements of Title III, Part II of the Communications Act of 1934, as amended, as set forth in the act and related rules contained in other subparts of this part, and;

(b) It complies with the specific requirements set forth in this subpart.

§ 8.702 *Interior communications systems.* If a ship is navigated from a place or places other than the bridge, the interior communication system between the bridge and the radio room provided under §§ 8.513 and 8.514 shall include in the system a point of communication at one of such other places in the same manner as it does the bridge.

§ 8.703 *Radio station clock.* A radio station clock which meets the requirements of §§ 8.114 and 8.515 shall be installed. If a ship is provided with a separate emergency radio operating room, such a clock shall also be installed in the emergency operating room. Notwithstanding the provisions of § 8.515 no deviation from the requirements of said section which is contrary to the Safety Convention may be authorized.

§ 8.704 *Spare antenna.* If a cargo ship is not provided with an emergency antenna meeting the requirements of § 8.504 (a) (2), it shall be provided with a spare antenna consisting of a single wire transmitting antenna (including suitable insulators), of the same linear dimensions as the main transmitting antenna completely assembled for immediate replacement.

§ 8.705 *Separate emergency receiver.* A cargo ship shall be provided with a separate emergency receiver meeting the requirements of this part applicable to emergency receivers. However, in lieu of the frequency band specified in § 8.504 (a) (4), the frequency band 405 to 535 kc may be provided.

§ 8.706 *Separate emergency power supply and transmitter.* In the case of new installations[1] on cargo ships a separate emergency power supply independent of the main power supply and a separate emergency transmitter meeting the requirements of this part applicable to emergency power supplies and transmitters shall be provided.

§ 8.707 *Antenna connections.* The main and emergency or reserve installations shall be capable of being quickly connected with either the main antenna or the emergency antenna if installed.

§ 8.708 *Sensitivity of receivers.* The main and emergency receivers shall have sufficient sensitivity to effectively operate a head receiver or a loudspeaker when the receiver input is as low as 100 microvolts.

[1] For the purposes of this section, a new installation is an installation which replaces an existing installation or one installed on a ship on or after November 19, 1952. An existing installation is one installed on a ship prior to November 19, 1952.

§ 8.709 *Storage batteries.* While at sea, storage batteries forming part of the main installation or the emergency installation, shall be brought up to the normal full charged condition daily.

§ 8.710 *Direction finder.* In addition to the requirements of § 8.516, each cargo ship of 5000 or more gross tons shall be equipped with an efficient direction-finder properly adjusted, in operating condition and meeting the requirements of § 8.517. The provisions of §§ 8.513 and 8.514 relating to fitting of an interior communication system between the direction-finding apparatus and the bridge shall apply to ships equipped with a direction-finder in accordance with this rule.

§ 8.711 *Radio log.* (a) The radio log shall, in addition to the entries required by § 8.330 (b), include the following:

(1) A daily statement as to compliance with § 8.709.

(2) A statement of when each storage battery used as the power supply for the main and emergency installations is placed on charge or off charge.

(3) Details of maintenance of lifeboat radio equipment, including a record of charging of any storage batteries supplying power to such equipment. The record of charging shall show when such storage battery is placed on charge and when it is taken off charge.

§ 8.712 *Convention certificates for cargo vessels of less than 1600 gross tons.* Cargo vessels of less than 1600 gross tons subject to the radio requirements of the Safety of Life at Sea Convention shall be provided with a Safety Radiotelephony Certificate or a Safety Radiotelegraphy Certificate prior to November 19, 1953: *Provided, however,* That each such ship which is first put in service subsequent to November 19, 1952, shall be provided with a Safety Radiotelephony, Safety Radiotelegraphy or Exemption Certificate when it is put in service.

[F. R. Doc. 52-11794; Filed, Nov. 3, 1952; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Docket No. 3666; Order 7; Ex Parte MC-13]

Parts 71–78—Explosives and Other Dangerous Articles

Subchapter B—Carriers by Motor Vehicle

[Docket Ex Parte MC-3]

Part 190–197—Safety Regulations

Miscellaneous Amendments

In the matter of regulations for transportation of explosives and other dangerous articles, Docket 3666.

In the matter of regulations governing the transportation of explosives and other dangerous articles by motor vehicle. Docket Ex Parte MC-13.

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers. Docket Ex Parte MC-3.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of October 1952.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831–835 of title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that it is now desirable to vacate that portion of the orders of the Commission of April 20, 1943 (8 F. R. 6479) (8 F. R. 6481), as amended and extended by subsequent orders, which made Parts 71–78 of the regulations governing the transportation of explosives and other dangerous articles applicable to every common, contract, and private carrier by motor vehicle engaged in intrastate commerce and also made Parts 190–196 of the Motor Carrier Safety Regulations, Revised, applicable to such carriers to the extent that the vehicles of such carriers were engaged in such transportation, with the exception that private carriers of property were not made subject to regulations governing the reporting of accidents.

It is ordered, That, the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended, as follows:

Part 73—Shippers

Amend first paragraph appearing under authority citation for Part 73 (15 F. R. 8275, Dec. 2, 1950) (15 F. R. 8824, Dec. 13, 1950) (49 CFR Part 73, 1950 Rev.) to read as follows:

[The regulations in Parts 71–78 of this chapter are applicable to every common, contract, and private carrier of property subject to the regulatory provisions of section 835, Public Law 772, 80th Congress (62 Stat. 738), and/or Part II of the Interstate Commerce Act.]

Subpart F—Compressed Gases; Definition and Preparation

Amend § 73.312 paragraph (a) (1) including Notes 1 and 2 (16 F. R. 9376, Sept. 15, 1951) (49 CFR 73.312, 1950 Rev., 1951 Supp.) to read as follows:

§ 73.312 *Liquefied petroleum gas.* (a) * * *

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4B, 4BA (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.50, 78.51 of this chapter), 4B240X[1] (see appendix A to Subpart C of Part 78 of this chapter), 4B240FLW or 9 (§§ 78.54 or 78.63 of this chapter), 25,[1] 26,[1] or 38.[1] Cylinders authorized under § 73.34 (a) to (e) may be used.

Note 1: Because of the present emergency and until further order of the Commission, cylinders marked as complying with I. C. C. Spec. 4B240FLW (§ 78.54 of this chapter) bearing manufacturer's symbol WCO and serial numbers 47A–1 to 47A–59200, inclusive, varying from the specification requirements as to physical properties of steel, are authorized for the transportation of liquefied petroleum gases.

* * * * *

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

Amend § 73.332 entire paragraph (a) (15 F. R. 8333, Dec. 2, 1950) (16 F. R. 9378, Sept. 15, 1951) (49 CFR 73.332, 1950 Rev., 1951 Supp.) to read as follows:

§ 73.332 *Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied.* (a) Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied, must be packed in specification containers as follows:

(1) As prescribed in § 73.328.

(2) Spec. 3A480 or 3AA480 (§ 78.36 or § 78.37 of this chapter). Metal cylinders of not over 125 pounds water capacity (nominal), minimum wall thickness 0.147 inch, and in no case shall the wall stress exceed 24,000 pounds per square inch when calculated by the formula in § 78.36–10 (b) of this chapter; valve protection cap must be used and be at least $\frac{3}{16}$ inch thick, gas-tight, with $\frac{3}{16}$ inch faced seat for gasket and with United States standard form thread; the cap must be capable of preventing injury or distortion of the valve when it is subjected to an impact caused by allowing cylinder, prepared as for shipment, to fall from an upright position with side of cap striking a solid steel object projecting not more than 6 inches above floor level.

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Amend second paragraph appearing under authority citation for Part 77 (15 F. R. 8361, Dec. 2, 1950) (15 F. R. 8824, Dec. 13, 1950) (49 CFR Part 77, 1950 Rev.) to read as follows:

[The regulations in Parts 71–78 of this chapter are applicable to every common, contract, and private carrier of property subject to the regulatory provisions of section 835 Public Law 772, 80th Congress (62 Stat. 738), and/or Part II of the Interstate Commerce Act.]

(Sec. 204, 49 Stat. 546, as amended; sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 197—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR VEHICLE

Amend entire § 197.01 (15 F. R. 8120, Nov. 28, 1950) (49 CFR 197.01, 1951 Supp.) to read as follows:

§ 197.01 *Application of regulations.* (a) The regulations in this part shall be applicable to every common carrier by motor vehicle, contract carrier by motor vehicle, and private carrier of property by motor vehicle engaged in interstate or foreign commerce, with respect to the transportation by motor vehicle of explosives and other dangerous articles, as defined in regulations for transportation of explosives and other dangerous articles by land and water in rail freight, express, and baggage services, and by motor vehicle (highway), and water including specifications for shipping containers.

(b) Parts 190 to 196, inclusive, of this chapter, shall be applicable to all motor carriers designated in paragraph (a) of this section, whether or not operating wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities, to the extent that the motor vehicles and drivers of the aforesaid carriers are engaged in the transportation of explosives and other dangerous articles: *Provided, however,* That Part 194 of this chapter relating to the reporting of accidents shall not apply to any private carrier of property.

(Sec. 204, 49 Stat. 546, as amended; sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

It is further ordered, That the following orders be vacated to the extent that they made the Commission's regulations relating to the transportation of explosives and other dangerous articles applicable to motor common, contract, and private carriers engaged in intrastate commerce:

Order of April 20, 1943 (8 F. R. 6479),
Order of April 20, 1943 (8 F. R. 6481),
Order of June 14, 1943 (8 F. R. 8277),
Order of August 27, 1943 (8 F. R. 12143),
Order of December 31, 1943 (9 F. R. 540),
Order of June 24, 1944 (9 F. R. 7528),
Order of December 5, 1944 (9 F. R. 15006),
Order of December 30, 1944 (10 F. R. 120),
Order of October 8, 1945 (10 F. R. 12967),
Order of December 20, 1945 (11 F. R. 33),
Order of December 17, 1946 (11 F. R. 14729),
Order of May 6, 1947 (12 F. R. 3198),
Order of December 15, 1947 (12 F. R. 8868),
Order of December 28, 1948 (13 F. R. 9574),
Order of December 30, 1949 (15 F. R. 94),
Order of November 14, 1950 (15 F. R. 8120), and
Order of July 19, 1950 (15 F. R. 8261) (15 F. R. 8823).

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on October 28, 1952, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec 204, 49 Stat. 546, as amended; sec 835, 62 Stat 739; 49 U. S. C. 304, 18 U. S. C., Sup., 835)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–11758; Filed, Oct. 31, 1952; 8:58 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[481.39]

DOWELS, ROUGH DOWELS, AND ROUGH ROUNDS

TARIFF CLASSIFICATION

OCTOBER 27, 1952.

The Bureau by its letter to the collector of customs at New York, dated October 27, 1952, ruled that dowels, rough dowels, and rough rounds are properly classifiable as wood, unmanufactured, not specially provided for, under paragraph 405, Tariff Act of 1930.

This decision will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption after the expiration of 90 days after the date of publication of an abstract thereof in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52–11820; Filed, Nov. 3, 1952; 8:50 a. m.]

United States Coast Guard

[CGFR 52–53]

MANUFACTURERS

RENEWAL OF CERTIFICATIONS FOR SHIPS' STORES AND SUPPLIES OF A DANGEROUS NATURE

1. The Commandant, United States Coast Guard, on January 12, 1943, waived the requirements in 46 CFR 147.03–9, regarding ships' stores and supplies of a dangerous nature, to the extent that for the duration of World War II and six months thereafter it was not necessary for the manufacturers to submit applications for renewal of certification for their products during the month of January of each year.

2. The President by Proclamation No. 2974 dated April 28, 1952, and published in the FEDERAL REGISTER dated Wednesday, April 30, 1952 (17 F. R. 3813), proclaimed the war was terminated. Therefore, the waiver by the Commandant, United States Coast Guard, dated January 12, 1943, by its own terms expires October 28, 1952, and is hereby canceled effective October 28, 1952. A letter to this effect has been sent to all known manufacturers of approved ships' stores and supplies of a dangerous nature.

3. All certifications of ships' stores and supplies of a dangerous nature made

subject to the above waiver are continued in effect until February 1953. Manufacturers desiring to have certifications renewed must submit applications in accordance with the provisions of 46 CFR 147.03-9 for receipt by the Commandant, United States Coast Guard, during the month of January 1953. Each application shall contain a sworn statement affirming that the characteristics of the approved product or article have not been altered or changed in any respect and it is the manufacturer's intention to continue to market the product. Upon receipt of such statement the records of the Commandant of the Coast Guard will be endorsed, indicating that the certification continues active and in force. Failure to submit such applications during January 1953 shall automatically serve to cancel the certificates and the appropriate notice will be published in the U. S. Coast Guard's "Proceedings of the Merchant Marine Council" regarding the cancellations.

Dated: October 24, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 52-11819; Filed, Nov. 3, 1952; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA AND SOUTH DAKOTA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In schedule A, under Nebraska, in alphabetical order, add the counties "Greeley," and "Knox"; under South Dakota, in alphabetical order, add the counties "Douglas," and "Yankton."

In schedule B, under Nebraska, delete the counties "Greeley," and "Knox"; under South Dakota, delete the counties "Douglas," and "Yankton."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 31st day of October 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11900; Filed, Nov. 3, 1952; 11:36 a. m.]

COMMUNICABLE DISEASE OF SHEEP

FINDING OF EMERGENCY OUTBREAK

Whereas, the disease of sheep known as scrapie has appeared in this country in the State of California, and

Whereas, the existence of this disease constitutes a real danger to producers, shippers and others concerned with the sheep industry as well as to the national economy,

Now, therefore, in accordance with the provisions of the appropriation item in the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., 2d sess.) entitled "Eradication of Foot-and-Mouth Disease and Other Contagious Diseases of Animals and Poultry", and section 11 of the act of May 29, 1884 (21 U. S. C. 114a), I find an emergency arising out of the existence and spread of scrapie, which in my opinion threatens the livestock industry of the country, and I authorize the transfer of funds to the said appropriation item and the use thereof for all proper purposes in a program conducted in cooperation with States and political subdivisions thereof, farmers associations, and similar organizations and individuals, to arrest and eradicate the disease wherever found.

Issued this 31st day of October 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-11902; Filed, Nov. 3, 1952; 11:40 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[No. M-56]

S. C. T. T., INC.

ALLEGED VIOLATION OF GENERAL ORDER 70; ORDER TO SHOW CAUSE AND NOTICE OF HEARING

On October 27, 1952, the Administrator entered the following order:

It appearing, from information before the Maritime Administrator that S. C. T. T., Inc., is registered as an American freight forwarder pursuant to General Order 70; and

It further appearing, that the Administrator is in receipt of a formal complaint filed by the New York Foreign Freight Forwarders and Brokers Association alleging, inter alia, that S. C. T. T., Inc., is not a citizen of the United States within the meaning of 46 U. S. C. 802; and

It further appearing, that an investigation conducted on behalf of the Administrator casts doubt upon the citizenship of S. C. T. T., Inc.; and

It further appearing, that S. C. T. T., Inc., is in violation of General Order 70 by failing to submit certain information requested by the Administrator;

It is ordered, That the Administrator, on his own motion, order an administrative hearing to determine whether S. C. T. T., Inc., at the time of its registration under General Order 70, or at any time since, was or is a citizen of the United States within the meaning of 46 U. S. C. 802;

It is further ordered, That S. C. T. T., Inc., be, and it is hereby, made the respondent in this proceeding, and that said respondent be, and is required in said proceeding to appear at a public hearing to be held before an examiner of this agency at a date and place to be announced by the Chief Examiner, and to show cause why an order should not be entered pursuant to § 243.2 (h) of General Order 70 (46 CFR Part 243) striking S. C. T. T., Inc., from the list of freight forwarders eligible to service cargoes shipped under the Foreign Assistance Act of 1948 and other relief and rehabilitation cargoes;

It is further ordered, That a copy of this order be served upon the respondent;

It is furthered ordered, That this order be published in the FEDERAL REGISTER;

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in the proceeding should notify the Maritime Administrator within five days after the date of publication.

Pursuant to the above order notice is hereby given that a public hearing will be held at Washington, D. C., before Examiner A. L. Jordan, beginning at 10 o'clock a. m., November 18, 1952, in Room 4823, Department of Commerce Building. The hearing will be conducted pursuant to the Board's Rules of Procedure (12 F. R. 6076), and the examiner will issue a recommended decision.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to participate in the hearing should notify the Maritime Administrator accordingly on or before November 10, 1952.

Dated: October 27, 1952.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-11635; Filed, Nov. 3, 1952; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951,

16 F. R. 12043; and June 2, 1952, 17 F. R. 3818).

Associated Garment Co., Assumption, Ill., effective 10-23-52 to 10-22-53; 10 learners (dresses).

Associated Garment Co., Shelbyville, Ill., effective 10-30-52 to 10-29-53; 10 learners (dresses).

Athens Garment Co., Athens, Ala., effective 10-24-52 to 10-23-53; 10 learners (work shirts).

Barre Apparel Co., 66 Plymouth Street, Edwardsville, Pa., effective 10-24-52 to 10-23-53; five learners (ladies' and misses' dresses).

Baumel Dress Co., Willow and Grant Streets, Olyphant, Pa., effective 10-23-52 to 10-22-53; 10 percent of the productive factory force (ladies' dresses).

Michael Berkowitz Co., Inc., Uniontown, Pa., effective 10-28-52 to 10-27-53; 10 percent of the productive factory force (men's, ladies' and children's pajamas).

E. H. Blum, 1521 Canal Street, New Orleans, La., effective 10-21-52 to 10-20-53; 10 percent of the productive factory force (men's and boys' pants and shorts).

J. H. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La., effective 10-26-52 to 10-25-53; 10 percent of the productive factory force (sport, dress and work shirts).

Boonville Manufacturing Corp., 302-316 North Second Street, Boonville, Ind., effective 10-22-52 to 10-21-53; 10 percent of the productive factory force engaged in the manufacture of woven pajamas (not including office and sales personnel) (men's woven pajamas).

Carbondale Children's Dress Co., 30 7th Avenue, Carbondale, Pa., effective 10-23-52 to 10-22-53; 10 percent of the productive factory force (children's and girls' dresses and play suits).

Carlton Shirt Co., Inc., 701 Whaley Street, Columbia, S. C., effective 10-22-52 to 4-21-53; 25 learners for expansion purposes (sport shirts).

Center Manufacturing Inc., 520 Main Street, Gallitzin, Pa., effective 10-24-52 to 10-23-53; five learners (boy's and Junior gabardine sport jackets).

Chester Manufacturing Co., Inc., 1 Brookside Avenue, Chatham, N. Y., effective 10-22-52 to 10-21-53; five learners; learners to be engaged in the manufacture of ladies' and children's blouses and ladies' and children's inexpensive and moderately priced dresses only (ladies' and children's blouses and dresses).

Dury Clothing Co., Inc., 330 Philadelphia Ave., W. Pittston, Pa., effective 10-29-52 to 4-28-53; 10 learners for expansion purposes (men's trousers).

Dury Clothing Co., 330 Philadelphia Avenue, West Pittston, Pa., effective 10-29-52 to 10-28-53; 10 percent of the productive factory force (men's trousers).

Eureka Pants Manufacturing Co., Shelbyville, Tenn., effective 10-27-52 to 10-26-53; 10 percent of the productive factory force (cotton work pants).

Fields Manufacturing Co., 250 West Clayton Street, Athens, Ga., effective 10-22-52 to 10-21-53; 10 learners (men's and boys' cotton work shirts).

Fly Manufacturing Co., Shelbyville, Tenn., effective 10-27-52 to 10-26-53; 10 percent of the productive factory force (overalls and jackets).

Forest City Manufacturing Co., Mascoutah, Ill., effective 10-31-52 to 10-30-53; 10 learners (dresses).

Forest City Manufacturing Co., Wayne City, Ill., effective 11-8-52 to 11-7-53; 10 percent of the productive factory force (dresses).

The Garment Manufacturing Co., Inc., Hicks Street, Lawrenceville, Va., effective 10-23-52 to 10-22-53; five learners (children's wearing apparel).

Harrisburg Children's Dress Co., Fourteenth and Howard Streets, Harrisburg, Pa., effective 10-23-52 to 10-22-53; 10 percent of the productive factory force (children's and girls' dresses and playsuits).

Jett Sportswear, Inc., Curwensville, Pa., effective 10-22-52 to 18-21-53; 10 learners (men's jackets).

Joyner-Fields, Inc., Sherman, Miss., effective 10-27-52 to 4-26-53; 10 learners for expansion purposes (sport shirts).

Joyner-Fields, Inc., Sherman, Miss., effective 10-27-52 to 10-26-53; 10 learners (sport shirts).

The Juvenile Manufacturing Co., Inc., 327 North Flores Street, San Antonio, Tex., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force (slacks, short pants, boxer shorts, jackets and overalls).

L'Aiglon Apparel, Inc., Hagerstown, Md., effective 10-27-52 to 10-26-53; 10 percent of the productive factory force (dresses).

L'Aiglon Apparel, Inc., 128 Water Street, Northumberland, Pa., effective 10-27-52 to 10-26-53; 10 percent of the productive factory force (dresses).

McTague Manufacturing Co., Inc., Fifteenth and Pine Streets, Philipsburg, Pa., effective 10-23-52 to 10-22-53; 10 learners (sport jackets).

Middletown Children's Dress Co., 143 South Union Street, Middletown, Pa., effective 10-21-52 to 10-20-53; five learners (children's and girls' dresses and play suits).

Penn Children's Dress Co., 831 Lackawanna Avenue, Mayfield, Pa., effective 10-23-52 to 10-22-53; 10 percent of the productive factory force (children's dresses).

Perfection Garment Co., Inc., Martinsburg, Keyser, and Ranson, W. Va., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force (cotton dresses).

Powellville Shirt Co., Powellville, Md., effective 11-1-52 to 10-31-53; 10 percent of the productive factory force (work shirts).

Princess Peggy, Inc., Chillicothe, Ill., effective 10-23-52 to 10-22-53; 10 percent of the productive factory force (dresses).

Princess Peggy, Inc., 1001 South Adams Street, Peoria, Ill., effective 10-27-52 to 10-26-53; 10 percent of the productive factory force engaged in the production of women's cotton dresses (dresses).

Rice-Stix Factory No. 10, Boone Terre, Mo., effective 11-1-52 to 10-31-53; 10 percent of the productive factory force (sport shirts).

Sea Craft Sportswear, Inc., Grassflat, Pa., effective 10-27-52 to 10-26-53; five learners (trousers).

Standard Garments, Inc., 123 Fayette Street, Martinsville, Va., effective 10-20-52 to 10-19-53; 10 percent of the productive factory force (men's and boys' pants).

Vernon Manufacturing Co., Inc., Vernon, Tex., effective 10-27-52 to 4-26-53; 20 learners for expansion purposes (men's and boys' cotton trousers).

Walterboro Manufacturing Corp., Sanders Street, Walterboro, S. C., effective 10-25-52 to 10-24-53; 10 percent of the productive factory force (ladies' cotton wash dresses).

Walterboro Manufacturing Corp., Sanders Street, Walterboro, S. C., effective 10-25-52 to 4-24-53; 25 learners for expansion purposes (ladies' cotton wash dresses).

The Warner Bros. Co., Thomasville, Ga., effective 10-27-52 to 10-26-53; 10 percent of the productive factory force (corsets and brassieres).

The Warner Bros. Co., Massena, N. Y., effective 10-22-52 to 10-21-53; 10 percent of the productive factory force (corsets and brassieres).

Washington Overall Manufacturing Co., Inc., Scottsville, Ky., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force (work pants).

Williamson-Dickie Manufacturing Co., Eagle Pass, Tex., effective 10-27-52 to 4-26-53; 45 learners for expansion purposes (work clothing and dungarees).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

The Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo., effective 10-25-52 to 10-24-53; 10 percent of the productive factory force engaged in the learner occupations (work gloves).

The Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo., effective 10-25-52 to 4-24-53; 20 learners for expansion purposes (work gloves).

Fairfield Glove Co., Bonnaparte, Iowa, effective 10-28-52 to 10-27-53; 10 learners (work gloves).

Montpelier Glove Co., Inc., 129 North Main Street, Montpelier, Ind., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force engaged in the learner occupations (leather and leather palm work gloves).

Wells Lamont Corp., Barry, Ill., effective 10-27-52 to 10-26-53; two learners (work gloves).

Wells Lamont Corp., 516 East Main Street, Brownsville, Tenn., effective 10-31-52 to 10-30-53; 10 percent of the productive factory force engaged in the learner occupations (knit fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Barber Hosiery Mills, Inc., Mount Airy, N. C., effective 10-24-52 to 6-23-53; 10 learners for expansion purposes.

Infants Socks, Inc., Eufaula, Ala., effective 10-27-52 to 10-26-53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Abingdon Manufacturing Corp., Abingdon, Va., effective 10-29-52 to 10-28-53; 5 percent of the productive factory force (men's woven pajamas and shorts).

Boonville Manufacturing Corp., Boonville, Ind., effective 10-22-52 to 10-21-53; 5 percent of the productive factory force in the manufacture of shorts and union suits (men's woven underwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Fairfield Shoe Co., Dillsburg Division, Dillsburg, Pa., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force.

Fairfield Shoe Co., Main Street, Fairfield, Pa., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Palm Beach Co., Roanoke, Ala., effective 10-28-52 to 10-27-53; 7 percent of the productive factory force; machine operators (except cutting), pressers, handsewers; 480 hours each; 65 cents per hour for the first 240 hours and 70 cents per hour for the remaining 240 hours (men's palm beach suits).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

El Mundo, Inc., San Juan, P. R., effective 10-17-52 to 4-16-53; eight learners; teletype operators; 200 hours at 45 cents per hour (daily newspaper).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 27th day of October 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-11812; Filed, Nov. 3, 1952; 8:48 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 15—DPAV-45]

REQUEST TO EXECUTE AND PARTICIPATE IN DEFENSE WAREHOUSEMEN'S ASSOCIATION AGREEMENT OF CHICAGO

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to execute and participate in the Defense Warehousemen's Association Agreement of Chicago was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

This voluntary agreement provides for the formation of a warehousemen's association in the Chicago area, to be known as the "Defense Warehousemen's Association of Chicago," the sole purpose of which is to furnish public warehousing services and public storage facilities to the Government pursuant to the terms of a contract to be negotiated with the Department of Defense and the Executive Committee of the Association. This voluntary agreement has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to execute and participate in the voluntary agreement, a copy of which is enclosed.

In my opinion, such participation will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and representatives of the Administrator of the Defense Production Administration, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary agreement and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that your participation therein is within the limits set forth in the voluntary agreement.

Your cooperation in this matter will be appreciated.

HENRY H. FOWLER,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

North Pier Terminal, 444 North Lake Shore Drive, Chicago, Ill.

Expressways Terminal, Inc., 361 North Sangamon Street, Chicago, Ill.

Currier-Lee Warehouses, Inc., 427 West Erie Street, Chicago, Ill.

Storit Warehouse, Inc., 3300 West Cermak Road, Chicago, Ill.

General Warehouse & Transportation Co., 884 North Halsted Street, Chicago, Ill.

Crooks Terminal Warehouse, Inc., 5967 West Sixty-fifth Street, Chicago, Ill.

Anchor Storage Co., 215-315 East Grand Avenue, Chicago 11, Ill.

Bonded Storage & Liquidators, Inc., 1375 North Branch, Chicago, Ill.

Midland Warehouses, Inc., 1500-24 South Western Avenue, Chicago, Ill.

Wakem & McLaughlin, Inc., 225 East Illinois Street, Chicago, Ill.

Sykes Terminal Warehouse Co., 931 West Nineteenth Street, Chicago, Ill.

Packers Terminal & Warehouse Corp., 4000 Packers Avenue, Chicago, Ill.

C & A Terminal Co., 3636 South California Avenue, Chicago, Ill.

Great Lakes Warehouse Corp., Plummer Avenue and State Line, Hammond, Ind.

Western Warehousing Co., 323 West Polk Street, Chicago, Ill.

Soo Terminal Warehouse, 519 West Roosevelt Road, Chicago 7, Ill.

Goose Island Warehouse, 1127 West Division Street, Chicago, Ill.

Kelmer Terminal Warehouse, 2237 LaSalle Street, Chicago, Ill.

Griswold & Bateman Warehouse Co., 1525 South Newberry Avenue, Chicago, Ill.

Calumet Harbor Terminals, Inc., One Hundred and Thirtieth and Stony Island Avenue, Chicago, Ill.

Bridgeport Warehouse Corp., 4000 Packers Avenue, Chicago, Ill.

General Forwarding Co., Inc., 1213 West Carroll Street, Chicago, Ill.

K & R Warehousing Co., 1647 West Walnut Street, Chicago, Ill.

Wacker Warehouse Corp., 430 East Wacker Drive, Chicago, Ill.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: October 30, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-11848; Filed, Oct. 31, 1952; 11:30 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 77]

DISTRICT ENFORCEMENT DIRECTORS AND ACTING DISTRICT ENFORCEMENT DIRECTORS

REDELEGATION OF AUTHORITY WITH RESPECT TO DISALLOWANCE FUNCTIONS

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by General Disallowance Order 1 this Delegation of Authority 77 is hereby issued.

The authority contained in section 3 of General Disallowance Order 1 to forward to the Commissioner of Internal Revenue and to all other appropriate governmental agencies, a statement indicating any payment of the kind described in said order which, pursuant to the provisions of said order, should be disregarded by the executive departments and other governmental agencies for the purposes indicated in said order is hereby redelegated to the several District Enforcement Directors or Acting District Enforcement Directors of the Office of Price Stabilization, to be exercised by each of them within their respective jurisdictions.

This delegation of authority shall be effective as of October 24, 1952.

LAMBERT S. O'MALLEY,
Assistant Director of Price Stabilization for Enforcement.

NOVEMBER 3, 1952.

[F. R. Doc. 52-11905; Filed, Nov. 3, 1952; 12:01 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1618]

NORTHERN NATURAL GAS CO.

NOTICE OF OPINION NO. 230-A AND ORDER ON REHEARING

OCTOBER 29, 1952.

Notice is hereby given that on October 28, 1952, the Federal Power Commission issued its Opinion No. 230-A and Order on Rehearing, entered October 23, 1952, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11813; Filed, Nov. 3, 1952; 8:48 a. m.]

[Docket Nos. ID-1032, ID-1040, ID-1058, ID-1127, ID-1187]

GEORGE R. ARMSTRONG, ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

OCTOBER 29, 1952.

In the matters of George R. Armstrong, Docket No. ID-1032; Philip Sporn, Docket No. ID-1040; W. J. Rose, Docket No. ID-1058; C. V. Sorenson,

Docket No. ID–1127; A. B. Brown, Docket No. ID–1187.

Notice is hereby given that on October 29, 1952, the Federal Power Commission issued its orders entered October 21, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–11790; Filed, Nov. 3, 1952; 8:45 a. m.]

[Project No. 1223]

PUGET SOUND POWER AND LIGHT CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE

OCTOBER 29, 1952.

Notice is hereby given that on October 28, 1952, the Federal Power Commission issued its order entered October 28, 1952, accepting surrender of license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–11791; Filed, Nov. 3, 1952; 8:45 a. m.]

[Project No. 1899]

NORTHERN PENNSYLVANIA POWER CO.

NOTICE OF ORDER APPROVING REVISED EXHIBIT DRAWINGS

OCTOBER 29, 1952.

Notice is hereby given that on October 29, 1952, the Federal Power Commission issued its order entered October 28, 1952, approving revised exhibit drawings in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–11814; Filed, Nov. 3, 1952; 8:48 a. m.]

[Project No. 2000]

POWER AUTHORITY OF THE STATE OF NEW YORK

NOTICE OF EXTENSION OF TIME

OCTOBER 30, 1952.

Notice is hereby given that the time for filing protests or requests for hearing, specified by the Notice of Amendment to Application, dated October 1, 1952 (17 F. R. 8966), in the above-designated matter is hereby extended to and including December 1, 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–11815; Filed, Nov. 3, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27496]

DRUGS AND CHEMICALS FROM BUFFALO, N. Y., TO ATLANTA, GA., AND POINTS GROUPED THEREWITH

APPLICATION FOR RELIEF

OCTOBER 30, 1952.

The Commission is in receipt of the above entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A–911, pursuant to fourth-section order No. 9800.

Commodities involved: Drugs, medicines, chemicals or toilet preparations, carloads.

From: Buffalo, N. Y.

To: Atlanta, Ga., and other Georgia points in Atlanta group.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11795; Filed, Nov. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27497]

MOLASSES FROM CERTAIN POINTS IN ALABAMA AND LOUISIANA TO CHICAGO, ILL.

APPLICATION FOR RELIEF

OCTOBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 395.

Commodities involved: Blackstrap molasses and distillery molasses residuum, carloads.

From: Mobile, Ala., New Orleans, La., and other points in Louisiana assigned group 1 rates in above tariff.

To: Chicago, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional route.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 395, Supp. 86.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11796; Filed, Nov. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27498]

CLASS RATES BETWEEN POINTS EAST OF ROCKY MOUNTAINS

APPLICATION FOR RELIEF

OCTOBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers respondents in Class Rate Investigation 1939, 281 I. C. C. 213, and other carriers parties to Agent Geo. H. Dumas' tariff I. C. C. No. A–1.

Commodities involved: Various commodities, carloads and less than carloads, subject to class rates governed by the uniform freight classification.

Territory: Between points in the U. S., generally east of the Rocky Mountains other than those included in fourth-section applications Nos. 27113 and 27279.

Grounds for relief: Rail competition, grouping, and to maintain higher column rates from and to intermediate points subject to ratings in tariffs of exceptions to consolidated classification.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters

involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11797; Filed, Nov. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27499]

PROPORTIONAL RATES ON CORN FROM CERTAIN POINTS IN ILLINOIS TO CHICAGO, ILL.

APPLICATION FOR RELIEF

OCTOBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

Commodities involved: Corn, in carloads.

From: Steward Junction, Scarboro, Roxbury, Welland, and Mendota, Ill.

To: Chicago, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: CMStP&P RR. tariff I. C. C. No. B-7377, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11798; Filed, Nov. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27500]

PETROLEUM PRODUCTS FROM ARCADIA, LA., TO CERTAIN POINTS IN ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

OCTOBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum, its products, and related articles, carloads.

From: Arcadia, La.

To: Points in southwestern, southern, official, Illinois, and western trunk-line territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3585—Supp. 526, I. C. C. No. 3802—Supp. 125, I. C. C. No. 3825—Supp. 154, I. C. C. No. 3651—Supp. 300, I. C. C. No. 3724—Supp. 159, I. C. C. No. 3494—Supp. 255.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11799; Filed, Nov. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27501]

DOORS, FRAMES, SASH, AND RELATED ARTICLES BETWEEN CERTAIN POINTS IN THE SOUTH AND SOUTHWEST

APPLICATION FOR RELIEF

OCTOBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3949.

Commodities involved: Building material, wooden, viz: doors, frames, sash, and related articles, carloads.

Territory: From points in the Southwest to Laurel, Miss., and South Jacksonville, Fla., and from Dierks, Ark., and Wright City, Okla., to points in the Southwest.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3949, Supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11800; Filed, Nov. 3, 1952; 8:48 a. m.]

SMALL DEFENSE PLANTS ADMINISTRATION

[S. D. P. A. Pool Request No. 5]

ADDITIONAL COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE OPERATIONS OF THE WOODWORKING DEFENSE PRODUCTION POOL OF NEW YORK AREA

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies which have accepted the request to participate in the operations of the Woodworking Defense Production Pool of New York Area are herewith published. The original list of companies accepting such request was published on June 3, 1952, in 17 F. R. 4990:

Bienenfeld Glass Works, Inc., 1539-1549 Covert Street, Brooklyn 27, New York.

Brickote Electric Corp., 14 Weyman Avenue, New Rochelle, New York.

Ram Electronics, Inc., Empire State Building, New York 1, New York.

Western Woodworking Co., Inc., 1095 Rockaway Avenue, Brooklyn 12, New York.

(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: October 29, 1952.

JOHN E. HORNE, *Administrator.*

[F. R. Doc. 52-11816; Filed, Nov. 3, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19051]

CHARLES F. GEIGER, ET AL.

In re: Rights of Charles F. Geiger and others under Insurance Contract. File No. D-28-3187-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Execu-

tive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Charles F. Geiger, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Charles F. Geiger, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. WS-118841 issued by the California-Western States Life Insurance Company, Sacramento, California, to Charles F. Geiger, together with the right to demand, enforce, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the person named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11821; Filed, Nov. 3, 1952; 8:50 a. m.]

[Vesting Order 19052]

FELIX STRAUSS

In re: Trust under Will of Felix Strauss, deceased. File No. F-28-12368; E. T. sec. 16870.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82nd Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Klara Stehle (Stenle) and Mina Winkler (formerly Philomina Strauss), whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, in and to the trust created under the Fifth paragraph of Felix Strauss, deceased, and in and to the estate of Felix Strauss, deceased, is property which is and prior to January 1, 1947, was payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Felix Ferdinand Strauss as trustee and executor acting under the judicial supervision of the Probate Court, District of Norwich, Connecticut;

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11822; Filed, Nov. 3, 1952; 8:51 a. m.]

[Vesting Order 19053]

OLGA W. HAEGER

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Olga W. Haeger, deceased.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Olga W. Haeger, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That forty (40) shares of $10.00 par value capital stock of The Emma H. Woltersdorf Company, Chicago, Illinois, together with all declared and unpaid dividends thereon, which corporation is organized under the laws of the State of Illinois, and is a business enterprise within the United States, said shares represented by Certificate No. 2, registered in the name of Olga W. Haeger, are and prior to January 1, 1947, were owned by the personal representatives, heirs, next of kin, legatees and distributees of Olga W. Haeger, deceased, nationals of a designated enemy country (Germany), are a substantial part of the issued and outstanding capital stock of The Emma H. Woltersdorf Company, and are evidence of control of The Emma H. Woltersdorf Company,

and it is hereby determined:

3. That The Emma H. Woltersdorf Company is and prior to January 1, 1947, was controlled by the personal representatives, heirs, next of kin, legatees and distributees of Olga W. Haeger, deceased, or is and prior to January 1, 1947, was acting for or on behalf of a designated enemy country (Germany), or persons within such country, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

4. That the national interest of the United States requires that the personal representatives, heirs, next of kin, legatees and distributees of Olga W. Haeger, deceased, and The Emma H. Woltersdorf Company be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States, the property described in subparagraph 2 hereof to be held, used, administered, liquidat-

ed, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The direction, management, supervision and control of The Emma H. Woltersdorf Company and of all property of any nature whatsoever situated in the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to The Emma H. Woltersdorf Company is hereby undertaken, to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11823; Filed, Nov. 3, 1952; 8:51 a. m.]

[Vesting Order 19054]

EMILIO LANDENBERGER

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Emilio Landenberger, deceased. F-28-32009-E-1.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Emilio Landenberger, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a current checking account, entitled Emilio Landenberger, Bogota, Colombia, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Emilio Landenberger, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11824; Filed, Nov. 3, 1952; 8:51 a. m.]

[Vesting Order 19055]

N. V. ANTON GUNTHER'S EXPEDITIE MAATSCHAPPIJ

In re: Debt owing to N. V. Anton Gunther's Expeditie Maatschappij.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That F. A. Jorgens and J. H. W. Busch, each of whose last known address is Bremen, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That N. V. Anton Gunther's Expeditie Maatschappij, the last known address of which is Burg. Hofmanplein 75, Rotterdam, The Netherlands, is a corporation, partnership, association or other business organization, which on or since December 11, 1941, and prior to January 1, 1947, was controlled by or a substantial part of the stock of which was owned or controlled, directly or indirectly, by the aforesaid F. A. Jorgens and J. H. W. Busch, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

3. That the property described as follows:

That certain debt or other obligation of Pape Williams & Company, 820 Union Street, New Orleans, Louisiana arising out of an account on the books of the aforesaid Pape Williams & Company, in the name of N. V. Anton Gunther's Expeditie Maatschappij, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, N. V. Anton Gunther's Expeditie Maatschappij, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That N. V. Anton Gunther's Expeditie Maatschappij is and prior to January 1, 1947, was controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

5. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11825; Filed, Nov. 3, 1952; 8:51 a. m.]